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## CHAPTER VI

# THE MAN AND THE TRIBE

*In which are set forth the basic ideas of Aztec education, government, law and social customs*

642 618 THE SOCIAL ORGANIZATION of the Aztec tribes was in theory completely democratic. An individual was a member of a family which, in turn, belonged to a cluster of families or a clan.* Theoretically twenty of these clans made up a tribe, each of them regulating its own affairs but, in matters of tribal importance, joining with the others in a council composed of all the leaders. The council appointed one chief to control civil and religious affairs and usually a second for war. Originally designed for simple farming communities and presumably of an antiquity dating back to Middle Culture times, this organization later ramified into the governmental complexity of a populous and highly complicated city-state.[1]

844 The working of a community is best illustrated by the position of the individual in it, a process which is described in the third part of the Codex Mendoza. Immediately a child was born it was washed and swaddled by a midwife. Since 777 the gods governed the fate of man on earth, the parents con- 787 sulted a priest who looked in the *tonalamatl*,† or book of

*The term clan is used to mean a tribal division without connotation of male or female descent.

†To'-na-la-matl

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affairs. Men of proven wisdom and experience taught the young in the *telpuchcalli*, or houses of youth. Others kept the records of tribute and wealth in the clan storehouses, superintended the distribution of this communal property and even went abroad to supervise its collection.

Each clan had its elected officers whose positions dominated the administration of the tribe. One official, the *calpullec*, performed the duties of secretary-treasurer and kept economic order within the kinship, drawing upon the members of the body for as much administrative assistance as his task required. Ranking with him, the *teochcautin* acted as sheriff, preserving social order and enforcing it. In wartime he commanded the military forces of the clan. Linking the clans to the tribe were the *tlatoani*, or "speakers," the supreme council, composed of a member from each clan and exercising judicial and directive functions. The wisest men and the most distinguished attained this post, for on them depended the well-being of the whole tribe. (See Plate 39, top right.)

Just as the clan had its executive officers, so this tribal body elected four officials who controlled the military forces of the four quarters, or phratries, into which the twenty clans were evenly divided. They maintained order among the clans and exercised tribal authority in disputes and crimes that could not be settled by the clan itself. Two were especially concerned with judicial matters; the third was an executioner, and the fourth acted as an intermediary between civil and military affairs.*

These four offices were the proving ground to test the abilities of the supreme chief and the religious leader. In Tlaxcala* it appears that they jointly exercised the executive

*Tlash-ca'-la.

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a hook at the farther end, the nearer end being grasped in the hand. By lengthening the arm in this way it was possible to give a greater propulsive force to the spear.

On the other side of the plaza the boys in the religious-training school presented a less animated scene. Their little legs and faces lacerated by maguey spines, their bodies thin from fasts and penance and their eyes dulled by the monotony of self-denial, these children were chanting strophes from a ritualistic chant. Their preceptor, who led the singing, showed by his own scarred and emaciated body that the propitiation of the gods was a relentless and never-ending task. Priest, chief, warrior or husband, every Aztec, from boyhood on, spent much of his life either in a kind of beseeching penance, to ensure his future, or in a state of grateful atonement for not having had a worst past. The Aztecs lived on intimate if uncomfortable terms with the supernatural powers.

Another aspect of this lack of individualism was to be seen in the *tecpan* or clan building. Here elders of the clan were arranging the affairs of the tribal unit, twenty of which made up the city-state of Tenochtitlan. One old man peered over picture maps as he adjusted a question of land tenure between two contesting families and made his final judgment on the basis of how much land each family could cultivate by its own efforts. Another elder distributed pottery vessels, given up as tribute by a town across the mountains, to some of the poorer members of the community. None of these people, litigants or applicants, bestowed more than occasional glances into the back courtyard, where an adulterer was being stoned to death by members of the affronted family. Urban existence contained too many interests and

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174 life was too cheap for them to view as an excitement the [184] inevitable result of wrongdoing.

518 Each of the twenty tribal divisions regulated its own 648 affairs. The great plaza where Montezuma had his palace 174 and where all the gods were worshiped in many temples was 631 for the use of all the clans together; and was the civic center for the sixty thousand households of Tenochtitlan. Yet in spite of the importance of this center of religion and government, the great plaza of Tlaltelolco near the northern edge of the islands was almost as striking. Once a Mexican tribe acknowledged the sway of another power it was supposed to furnish fighting men and tribute, but its government and economics were seldom modified.

174 Thus the recently conquered Tlaltelolco had a communal 361 center as majestic as that of Tenochtitlan. It seemed more dramatic to Spanish eyes because its great temple to the War God, Huitzilopochtli, was thrust into prominence by the wide spread of the market place, while in Tenochtitlan the great buildings were so close together it was hard to gain an impression of their size.

174 The market place of Tlaltelolco consisted of a large area [361] of polished pavement, bordered by arcades which sheltered 438 many of the merchants. At one edge a basin opened out from the canal beside the northern causeway, where boats bringing goods and produce could find an anchorage. Each kind of product was concentrated in a special place. Thus one section was completely devoted to vegetables, and compactly squatting women sat watching their goods, arranged before them in symmetrical heaps on woven mats. In another section cotton mantles were being sold, some spread to show the full design and others neatly folded. Elsewhere was a

776
796 goods]." Thus it was made known to the people that they
567 would be offered up as sacrifices.

At this time they gave gifts and had a feast.

And their victims they set up in a good place, all in costly mantles which had been placed upon them. [And] they made them dance upon the roof-tops or in the market place. [And] they went singing, ending their song mocking death.

[565] And if any were noted who were very subtle, among those to be offered up as sacrifices; one skilled in songs, one who was ingenious, who was intelligent and able, the noblemen set him aside and put another in his place.

Likewise, if a woman could sew, or if she prepared food
[595] well, or made good cacao—from whose hand good food and drink came; [or if she was] a good interpreter; her also they set aside. The nobles took [such women] as wives.

776 [Yiacatecutli's] array [was thus] put on: his face was covered with white pyrites. He had a tuft of hair on the front of his head like a pillar of stone and a headband with bunches of quetzal feathers. He wore golden ear-plugs. A blue knotted cloth was his cape.[110] He had a costly breech-cloth. He had little bells and shells. He wore princely sandals. His shield bore a coil pattern like a gourd vessel;[111] in quetzal feathers. His traveling staff was in his hand; he had a cane staff.

iquac tetlauhtia, tetlaqualtia.

Auh yn jtlaaltilhoan, iccan, qujnquetza: mùch tlaçotilmatli, yn jntech qujntlalilia: ipá mjstotiaia in tlapanco, anoço tianquizco: cujcatinemj, tlatlahtlamj yn jnicujc, ynjc momiquizquequeloa.

Auh intla aża oittoc, in cenca mjmati tlaaltilli, yn cujcamatinj, in iolizmatqui, yn jxe, yn iollo: qujqujxtiaia in pipilti, ipan tlacaquetzaia:

no iuhqui, intla cioatl, intla tlamachiuhqui, anoço vellaqualchioa, vel achioa, in qualli yiauh, in qualli intlaqual ynac quiça; vellatolmelanac: no qujxtilcia, qujnmotlacacicoaoniaia in pipilti.

Jn jnechichioal motlatlatlali, mixapetzvi, ytemjlo, ixquatzo, isquatrone, quetzallalpile, tzucujtlanacoche, xiuhtlalpilli yn jtilma, tlaçomaxtle, tzitzile, oiooale, teccaque, quetzalxicalcoliuhqui yn jchimol, ytlaçaia ynac onoc, otlatopile.

**Twentieth Chapter**, which telleth of the god whose name was Lord of the Four Directions (Napa tecutli).

776 It is said that he also belonged among the Tlaloca. He
467 was the special [god of] the mat-makers' guild, who worshipped him as a god.[112]

And he was also [god] of those who fashioned mats of large, fat reeds, and of those who made frames of reeds.[113]

[173] They spoke in this wise: "For it was he who first taught and showed them how to weave mats and make seats."

He it was who owned, ruled, discovered, began, and initiated [mat-making].

And they spoke thus: "For he it is who causeth the reeds to sprout and grow—the fine thin ones, the coarse ones, the long, fat reeds and the round, white ones, those with sprouts, the black ones, the sharp ones, the thin ones."[114]

776 And when it was his feast day, they spoke thus: "He
796 washeth and batheth men; he shaketh and sprinkleth rain
467 upon them." [For] greatly they importuned [rain] of him.

And also each year they slew a man who represented him,
[567] a slave.

**Jnic cempoalli capitulo**, ytechpa tlatoa yn teutl yn jtoca catca Napa tecutli.

Juh ynjnoa, ca no intech pouj yn tlaloque: iehoan ymjacoian, incatjan, in calpelloc, qujmotrutiaia in petlachiuhque:

yoan tolcuechiuhque, in tlacuechjuhque, ytech mopoaia:

iuh qujtoaia, ca iehoatl achto qujmmachti, qujmittiti, in petlachioalizttli, yn icpalchioalizttli:

iehoatl axcaoa cocucaoaia, tlatqujoa, tlanexttile, tlatzintile, tlapeoaltile.

Joan iuh qujtoaia ca iehoatl qujmoaltia, qujqujxtia, in toli in tolpetzoaoac, in tolpatlactli, in tolmjmjlli, aztapili, in tolqujiuil, in tolcapul, yn jztoli, xonali:

yoan yn jquac ilhujuhquiçaia, iuh mjtoa, tepapaca, tzaltia, tepan qujtzetzelloa, tepan qujpixoa, yn aoachtli, cenca tlaihtlanjliloia.

Auh no ce tlacatl, ipan qujtocaia, tlacotli, in qujmictiaia cexiuhtica:

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110. Corresponding Spanish version states that *"esta cubierta con una manta azul, y sobre el azul, una red negra de manera que azul, se parece, por las mallas de la red."*

111. The *escudo* also has been referred to as a conventionalized serpent-head design.

● [618] 112. *Colpulli*—clan or gens, which consisted, probably, of heads of old families, controlled domestic affairs, distributed its common lands among members (Soler: *op. cit.*, Vol. II, pt. 3, p. 85, citing Alonso de Zorita: *Breve summaria relacion*, Vol. II, pp. 72-227). In various of his writings Soler uses the word "guild" when the context suggests its suitability.

113. Corresponding Spanish text says, *"hazen esteras de juncias: que llaman petlacalli."*

114. Cf. Sahagun: *op. cit.*, Vol. I, p. 143 and Vol. III, p. 272.

[For information on the calpulli, or Aztec "clan" see category 116, pp. 47-48, 51-92]

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[74] soil *which they might hold as their own.*[25] It would appear that, through loss of numbers in the course of their migrations, as well as through divisions among themselves, the original consanguine groups composing the body, had been reduced to *five*.[26] Now a further and last division took place, one of these kindred clusters seceding from the rest, and establishing itself apart on another sandy expanse where, close to the others however, it grew to become the tribe of Mexico-Tlatilulco.[27] It remained independent until about forty years before the conquest.[28]—The other *four* settled *each one by itself*, but still acknowledging a *common government*, in token of which the tribal place of worship was erected at the spot where these four areas met. Thus the "pueblo" of Mexico-Tenuchtitlan was founded; the seat and home of the Mexicans proper.[29]

[25] Ixtlilxochitl ("Histoire des Chichimèques," cap. X, p. 72), says that the Mexicans "asked the King of Azcaputzalco for soil" (to settle upon). Torquemada represents their settlement as a flight to a safe place (Lib. II, cap. XI, p. 92). Also Mendieta (Lib. II, cap. XXXV, pp. 147 and 148). Durán (Cap. V, p. 41), has the remarkable passage following: "que aun el suelo no era suyo, pues era sitio y término de los de Azcaputzalco y de los de Tezcuco; porque allí llegaban los términos del uno y del otro pueblo, y por la otra parte del Mediodía, términos de Culhuacan;" (This shows they were on neutral ground, dividing the tribes of their surroundings.) Tezozomoc confirms (Cap. III, p. 9), "estando en terminos de los de Atzcapuzalco, Acuihuaques Tezcucanos y los de Culhuacan." Durán (2ª p. 41) further says that they contended to be masters of their soil, without owing allegiance or obedience to any one. See also Tezozomoc (Cap. III) and Motolinia ("Epistola proemial," p. 5). Gomara ("Conquista," p. 431. Vedia, 1st volume).

[619] [642] [26] We have already alluded to the number of chiefs leading the Mexicans at the time of their settlement in the lagune. It varies from four to twenty. But the fact that four "quarters" composed it originally, leads me to the belief that four Mexican kinships remained, one seceding as the tribe of Tlatilulco. This division into four is the only fact reliably ascertained. (See notes 27, 29, 30 and 31).

[27] This fact is too amply proven to need special references. How it occurred we cannot ascertain, since it is related in the most varied manner by the different sources of authority. If the statement is correct that even during their migrations, the Mexicans proper and the Tlatilulcas kept apart, as tribal components, or probably "phratries,"—then the fact of their localizing as tribes independent from each other is easily accounted for. See Veytia (Lib. II, cap. XV, p. 135).

[28] The date of its conquest by the Mexicans is about 1473 ("Art of War, etc." p. 102). It can easily be verified from the date on the so-called "calendar stone" at the city of Mexico. (See "Calendario Azteca" by Señor Chavero.)

[615] [618] [29] The question remains yet undecided as to whether these four "quarters" ("barrios") were four original kinships, or whether they were already four "brotherhoods of kinships" (phratries), analogous to the Roman curiæ formed by (or rather remaining as the last vestige of) original kinships disaggregated. The latter might appear likely from the fact of the greater number of chiefs (than four), mentioned by the old authors. The existence of still lesser groups is plainly acknowledged at the same time. Durán says (Cap. V, p. 42): "On the night after the Mexicans finished the place of worship ("hermita donde su dios estaba"), a large area of the lagune being filled up and room made for the houses, Vitzilopochtli spoke to his priest or keeper and said to him:

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Four "quarters" had been formed by the localizing of four relationships composing them respectively, and it is expressly stated that each one "might build in its quarter (barrio) as it liked."[30] The term for these relationships, in the Nahuatl tongue, and used among all the tribes speaking it was: "Calpulli." It is also used to designate a great hall or house, and we may therefore infer that, originally at least, all the members of one kinship *dwelt under one common roof*.[31] The ground thus occupied by the "Calpulli" was

"Say to the congregation Mexican that the chiefs, each one with his relatives, friends and connections, shall divide themselves into four principal quarters, my house being in the centre among them, and that each cluster may build in its quarter as it pleases." These quarters are those which now remain in Mexico, that is, the quarters of San Pablo, of San Juan, of Santa Maria la Redonda, and of San Sebastian. After the Mexicans had divided into these four places, their God commanded them to distribute among themselves the idols ("los dioses"), and that each quarter should name and designate particular quarters where these particular idols should be worshipped. Thus each quarter was divided into many small ones, according to the number of the idols called Calpulteona (it should be "Calpulteoltzin" composed of Calpulli-quarter, and teotl-god), which signifies god of the quarter." (See Acosta, Lib. VII, cap. VII, p. 467.) Tezozomoc, cap. III, p. 9, "y siendo de noche hicieron junta y les dijo el sacerdote Quauhtlequetzqui: hermanos, ya es tiempo que os dividais un trecho unos de otros en cuatro partes cercando en medio el templo de Huitzilopochtli, y nombrad los barrios cada una parte, y asi concertados para dividirse . . . ." Torquemada confirms these statements (Lib. III, cap. XXIV, p. 295), although he protests against the origin of this division. He says: "I confess it to be truth that this city of Mexico is divided into four principal quarters, each one of which contains other smaller ones included, and all, in common as well as in particular, have their commanders and leaders . . . ." He further says (Lib. XIV, cap. VII, p. 545). "These clusters ("parcialidades" kinships) were distributed by calpules, which are quarters ("barrios"), and it happened that one of these clusters held three, four, or more calpules, according to the number of its people . . . ." (We shall investigate hereafter the objection of Torquemada). The same author, however, acknowledges (Lib. III, cap. XXII, p. 288), that the founders of Mexico were "nine families . . . These families commenced the foundation of this illustrious and magnificent city . . . ." One fact results beyond all doubt, that the first settlement of Mexico was made upon the basis of a division into kinships or consanguine groups, localizing on certain areas, which jointly composed the tribe. That the government was democratic has already been established previously.

[30] Durán (Cap. V, p. 42). Acosta (Lib. VII, cap. VII, p. 467). Herrera (Dec. III, Lib. II, cap. XI, p. 61).

[31] Torquemada (Lib. II, cap. LXVIII, p. 194. "Estaba de ordinario, recogido en una grande Sala (ó calpul)." (Lib. III, cap. XXVII, p. 305. Lib. IV, cap. XIX, p. 396, (que asi llaman las Salas grandes de Comunidad. ú de Cabildo). We find, under the corrupted name of "Galpon," the "calpulli" in Nicaragua among the Niquiraus, which speak a dialect of the Mexican (Nahuatl) language. See E. G. Squier ("Nicaragua," Vol. II, p. 342. "The council houses were called grepons, surrounded by broad corridors called galpons, beneath which the arms were kept, protected by a guard of young men"). Mr. Squier evidently bases upon Oviedo ("Hist. general," Lib. XLII, cap. III, p. 52: "Esta casa de cabildo llaman galpon . . . ." It is another evidence in favor of our statements, that the kinship formed the original unit of the tribe, and at the same time a hint that, as in New Mexico, originally an entire kin inhabited a single large house. See Molina's Vocab. (p. 11).

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not, as Torquemada admits, *assigned* to it *by a higher power*,[32] *the tribal government itself held* NO DOMAIN which it might apportion among subdivisions or to individuals, either gratuitously or on condition of certain prestations; or barter against a consideration.[33] The tribal territory was distributed, at the time of its occupancy, *into possessory rights held by* the KINDRED GROUPS AS SUCH, by common and tacit consent, as resulting *naturally* from their *organization* and *state of culture*.[34]

The patches of solid ground, on which these "quarters" settled, were gradually built over with dwellings, first made out of canes and reeds, and latterly, as their means increased, of turf, "adobe" and light stone. These houses were of *large size*, since it is stated that even at the time of the conquest "there were seldom less than two, four, and six dwellers in one house, thus there were infinite people (in the pueblo) since as there was no other way of providing for them, many aggregated together as they might please." *Communal living*, as the idea of the "calpulli" implies, seems, therefore, to have prevailed among the Mexicans *as late as the period of their greatest power*.[35]

[32] Torquemada (Lib. II, cap. VIII, p. 88, and Lib. III, cap. XXIV, p. 235) attributes the division into "quarters" to a "decree" of the Chichimecan "emperor" Techotlalatzin. But his assertions are disproved in part by his own statements, in part by the positive reports of other authors. Admitting even that the said Techotlalatzin should have wielded the discretionary power attributed to him, although there is strong evidence against it, he would have ruled *after* the foundation of Mexico. (Clavigero, Lib. II, cap. IX. Veytia, Lib. II, cap. XX, p. 178.) Consequently *after* the settling and localizing of the four quarters mentioned had taken place.

[33] The division into "quarters" is everywhere represented as resulting from common consent. But nowhere is it stated that the *tribal government or authority* assigned locations to any of its fractions. This is only attributed to the chiefs, on the supposition that they, although *elective*, were still hereditary monarchs.

[34] There is no evidence of any tribute or prestation due by the quarters to the tribe. The custom always remained, that the "calpulli" was sovereign within its limits. See Alonzo de Zurita ("Rapport sur les différentes classes de chefs de la Nouvelle-Espagne" pp. 51-65). Besides, Ixtlilxochitl says: ("Hist. des Chichim," cap. XXXV, p. 242). "Other fields were called Calpolalli or Altepetlalli." Now calpulalli (from "calpu'li," quarter or kinship, and "tlalli," soil), means soil of the kin, and altepetlalli ("altepetl," tribe), soil of the tribe. Clavigero even says that the lands called "altepetlalli," belonging to the communities "of the towns and villages, were divided into so many parts, as there were quarters in the town, each quarter *having its own, without the least connection with the other*." (Lib. VII, cap. XIV.) This indicates plainly that the kinships *held the soil*, whereas the tribe occupied the territorial expanse. The *domain*, either as pertaining to a "Lord," or to a "State," was unknown among the Indians in general. Even among the Peruvians, who were more advanced than the Mexicans in that respect, there was no domain of the tribe.

[35] See Torquemada (Lib. II, cap. XI, and Lib. III, cap. XXII). Durán (cap. V). The quotation is from Herrera (Dec. II, Lib. VII, cap. XIII, p. 190), and is confirmed by Torquemada (Lib. III, cap. XXIII, p. 291), and especially by Gomara ("Conquista de

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intervening ditch, and throwing it on the chinampa, by which means the ground is raised generally about a yard, and thus forms a small fertile garden, covered with the finest culinary vegetables, fruits and flowers . . . . . ."[37]

Each consanguine relationship thus gradually surrounded the surface on which it dwelt with a number of garden plots sufficient to the wants of its members.[38] The aggregate area thereof, including the abodes, formed the "*calpullalli*"—soil of the "calpulli,"[39] *and was held by it as a unit;* the *single tracts*, however, being tilled and used for the benefit of the *single families*.[40] The mode of tenure of land among the Mexicans at that period was therefore very simple. The tribe claimed its *territory*, "ALTEPETLALLI," an undefined expanse over which it *might extend*, —the "calpules," however, *held* and *possessed within that territory* such portions of it as were *productive;* each "calpulli" being *sovereign* within its limits, and assigning to its individual members *for their use* the minor tracts into which the soil was parcelled in consequence of their mode of cultivation. If, therefore, the terms "altepetlalli" and "calpulalli" are occasionally regarded as *identical*, it is because the former indicates the *occupancy*, the latter *the distribution* of the soil [41] We thus recognize in the calpulli, or kindred group, the unit of tenure of whatever soil the Mexicans deemed worthy of definite possession. Further on we

[37] "Six Months Residence and Travels in Mexico," by W. Bullock. London, 1824. Cap. XIII, p. 179. It is not devoid of interest to compare the descriptions of this rather superficial, though still truthful observer, with the account of the ancient Chinampas as preserved to us in Tezozomoc (cap. III, p. 9). Durán (cap. VI, pp. 50 and 51). The floats or rafts mentioned by these old authors were nothing else but the chinampas or "floating gardens." Therefore also Tezozomoc uses the term "camellon," or garden-bed. (See also Acosta, Lib. VII, cap. IX, p. 473.) Torquemada (Lib. XIII, cap. XXXII, p. 483). Veytia (Lib. II, cap. XV, p. 142).

[38] Durán (Cap. V). Tezozomoc (Cap. III, p. 8). Acosta (Lib. VII, cap. IX, p. 473). Torquemada (Lib. III, cap. XXXIII, p. 291. Lib. II, cap. XV, p. 101). Clavigero (Lib. II, cap. XVII).

[39] Alonzo de Zurita (p. 51). Ixtlilxochitl ("Hist. des Chichim," cap. XXXV, p. 342). Torquemada (Lib. XIV, cap. VII, p. 545). Bustamante ("Tezcoco en los ultimos Tiempos de sus antiguos Reyes," p. 232).

[40] Zurita ("Rapport, etc.," pp. 52, 56, 57, 60).—De l'Ordre de Succession observé par les Indiens, etc., etc. (copy of an anonymous MS8. from Simancas, contained in the Uguina collection, and translated by Mr. Ternaux-Compans in his "Recueil de pièces, etc., pp. 223 and 224.)

[41] Zurita ("Rapport, etc.," pp. 51-64). Herrera (Dec. III, Lib. IV, cap. XVII, p. 136). Ramirez de Fuenleal, Bishop of San Domingo (Letter of 3 Nov., 1532, Mexico, to the Emperor Charles V. "Recueil" of Ternaux, p. 253). See also the Introduction to the "Real Ejecutoria de S. M. sobre Tierras y Reservas de Pechos y Paga. Perteneciente á los Caciques de Axapusco," in "Col. de Doc." of Icazbalceta (Vol. II, p. XIII).

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shall investigate how far individuals, as members of this communal unit, participated in the aggregate tenure.

In the course of time, as the population further increased, *segmentation* occurred within the four original "quarters;" new "calpulli," being formed.[42] For *governmental* purposes this segmentation produced a new result by leaving, more particularly in military affairs, the first four clusters as *great subdivisions*.[43] But these, as soon as they had disaggregated, *ceased* to be any longer *units* of territorial possession, their original areas being held thereafter by the "minor quarters" (as Herrera, for instance, calls them), who exercised, each one within its limits, the same sovereignty which the original "calpulli" formerly held over the whole.[44] A further consequence of this disaggregation was (by removing the tribal council farther from the calpules) the necessity for an *official building*, exclusively devoted to the business of the *whole* tribe alone.[45]

[42] This successive formation of new "calpulli" is nowhere explicitly stated, but it is implied by the passage of Durán which we have already quoted (Cap. V, p. 42). It also results from their military organization as described in the "Art of War," (p. 115). With the increase of population, the original kinships necessarily disaggregated further, as we have seen it to have occurred among the Qquiché (See "Popol-Vuh" quoted in our note 7), forming smaller groups of consanguinei. After the successful war against the Tecpanecas, of which we shall speak hereafter, we find at least twenty chiefs, representing as many kins (Durán, cap. XI. p. 97), besides three more, adopted then from those of Culhuacan (Id. pp. 98 and 99). This indicates an increase.

[43] "Art of War, etc.," pp. 115 and 120.

[44] Torquemada (Lib. III, cap. XXIV, p. 295). "I confess it to be truth that this city of Mexico is divided into four principal quarters, each one of which contains others, smaller ones, included, and all, in common as well as in particular, have their commanders and leaders . . . ." Zurita ("Rapport," p. 58-64). That the smaller subdivisions were those who held the soil, and not the four original groups, must be inferred from the fact, that the ground was attached to the calpulli. Says Zurita (p. 51.) "They (the lands) do not belong to each inhabitant of the village, but to the calpulli which possesses them in common." On the other hand Torquemada states (Lib. XIV, cap. VII, p. 545): "that in each pueblo, according to the number of people, there should be (were) clusters ("parcialidades") of diverse people and families . . . . These clusters were distributed by calpules, which are quarters ("barrios"), and it happened that one of the aforesaid clusters sometimes contained three, four, and more, calpules, according to the population of the place ("pueblo") or tribe." The same author further affirms: "These quarters, and streets, were all assorted and levelled, with so much accuracy, that those of one quarter or street could not take a palm of land from those of another, and the same was with the streets, their lots running (being scattered) all over the pueblo." Consequently, there were no communal lands allotted to the four great quarters of Mexico as such, but each one of the kinships (calpules) held its part of the original aggregate. Compare Gomara (Vedia, Vol. I, "Conq. de Méjico," p. 434. "Among tributaries it is a custom, etc., etc." Also p. 440). Clavigero (Lib. VII, cap. XIV). "Each quarter has its own tract, without the least connection with the others."

[45] Compare Durán (Cap. XI, p. 87). Acosta (Lib. VII, cap. XXI, p. 470). It appears as if the "tecpan" had not been constructed previous to the middle of the 14th cen-

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174 With continued increase of the population, the "tecpan" alone
344 did no longer suffice, thus each "calpulli" erected, within its own area, its own council place for the transaction of its interior business, lodging in it, after the model of the "tecpan," its own chief-men, and exercising there its share of the general hospitality. So Mexico became dotted with public constructions, necessarily distinguished by their size and arrangement from the rest of the buildings.[52]

[344 The chiefs and their families who resided in the official houses,
574 and upon whom devolved the exercise of public hospitality,—con-
643 tinued to participate for their share in the use of the soil held and
651 cultivated by the "calpulli" to which they belonged by descent. But whereas formerly they could improve these lands *themselves*, this became impossible with the increase of public business, and the task of cultivating them devolved, first upon their children and families, afterwards, when even these were required for the duties of the official household,—*upon the other members of the kin.* This was done, not in token of vassalage, but as a remuneration for the public services of the chiefs. The same took place in regard to the "tecpan" and its occupants. With the increase of intercourse, however, the scanty crops raised in this manner became insufficient, and a regular contribution, by each member of the different kinships, towards maintenance of the chiefs and the visitors they had to entertain, was instituted. Certain expanses were set aside, to be worked by communal labor, the products of which were exclusively devoted to what we may term "official purposes." Thus not only was there a tax created, voluntarily by the tribal components, for public purpose, but a new feature was introduced in the distribution of the soil. The mode of tenure,

[618] [52] These houses, sometimes called "calpulli," at other times "calpixca," were the *private palaces*, which the Spanish authors mention. They were but "official buildings;" probably connected with storehouses. As the tribe had its tecpan, so each calpulli, or localized kinship, its own council-house. This results from the organization of the kinship. See also "Art of War," pp. 103 and 104. What distinguished these constructions from the common house or abode ("calli"), were the halls ("salas"), and the "tecpan" was further distinguished by a lookout or tower. (Durán, cap. XXVI, p. 213. Tezozomoc, cap. XXXVI, p. 56). This distinction places it parallel to the so-called "palace" of Palenqué in Chiapas. Compare further: Zurita ("Rapport, etc.," p. 62). "At the annual gatherings, they (the chiefs of the calpulli) distribute gratuitously food and drink, to keep the Indians in good humor." Herrera (Dec. II. lib. VII. cap. XIII, p. 190). If we were to believe the picture presented of Mexico by the authors of the 16th and 17th centuries, Mexico would have possessed innumerable edifices of that kind.

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tracts were but "official tracts," and they were apart from those reserved for the special use of the kinships. The latter may have furnished that *general* tribute which, although given nominally to the head war-chief still was, "for all the Mexicans in common."[84]

The various classes of lands which we have mentioned were, as far as their tenure is concerned, included in the "calpulalli" or lands of the kinships. Since the kin, or "calpulli," was the unit of governmental organization, it also was the unit of *landed tenure*. Clavigero says: "The lands called altepetlalli, that is: those who belonged to the communities of the towns and villages, were divided into as many parts as there were quarters in a town, and each quarter held its own for itself, and without the least connection with the rest. Such lands could in no manner be alienated."[85] These "quarters" were the "Calpulli," hence it follows *that the consanguine groups* held the "altepetlalli" or *Soil of the tribe*.[86]

We have, therefore, in Mexico, the identical mode of tenure of lands, which Polo de Ondogardo had noted in Peru and reported to the king of Spain as follows: ". . . . . although the crops and other produce of these lands were devoted to the tribute, the land itself belonged to the people themselves. Hence a thing will be apparent which has not hitherto been properly understood. When any one wants land, it is considered sufficient if it can be shown that it belonged to the Inca or to the sun. But in this the Indians are treated with great injustice. For in those days they paid the tribute, and *the land was theirs*. . . . . ."[87]

The expanse held and occupied by the calpulli, and therefore called calpulalli," was possessed by the kin in *joint* tenure.[88] It

[84] Tezozomoc (Cap. X. p. 18). Zurita ("Rapport, etc.," p. 227). Herrera (Dec. III, lib. IV. cap. XVII. p. 138. "i no era en mano del Señor disponer de estos Tributos á su voluntad, porque se alteraba la Gente, i los Principales." This refers specially to the tribute by quarters "barrios."

[85] Storia del Messico" (Lib. VII, cap. XIV).

[86] Ixtlilxochitl ("Histoire des Chichim.," Cap. XXXV, p. 242). Torquemada (Lib. XIV, cap. VII, p. 545).

[87] "Narratives of the Rites and Laws of the Yncas, translated from the original Spanish manuscripts, and edited by Clement R. Markham." Publication of the "Hackluyt Society," 1873. "Report of Polo de Ondegardo" who was "Regidor" of Cuzco, in 1560; and a very important authority (See Prescott, "History of the Conquest of Peru," note to Book I, cap. V). Confirmed by Garcia ("El Origen de los Indios," Lib. IV, cap. XVI, p. 102).

[88] Zurita ("Rapport, etc., etc., p. 50). "The chiefs of the second class are yet called Calpullec in the singular and Chinancallec in the plural. (This is evidently incorrect, since the words "Calpulli" and "Chinancalli" can easily be distinguished from each other. "Chinancalli," however, after Molina means "cercado de seto" (Parte IIa, p.

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618 It
423 could neither be alienated nor sold; in fact, there is no trace of
[425] barter or sale of land, previous to the conquest.[89] If, however, any calpulli weakened, through loss of numbers from any cause whatever, it might farm out its area to another similar group, deriving subsistence from the rent.[90] If the kinship died out, and its lands therefore became vacant, then they were either added to those of another whose share was not adequate for its wants, or they were distributed among all the remaining calpulli.[91] The calpulli was

21), or an enclosed area, and if we connect it with the old original "chinamitl" we are forcibly carried back to the early times, when the Mexicans but dwelt on a few flakes of more or less solid ground. This is an additional evidence in favor of the views we have taken, of the growth of landed tenure among the Mexican tribe. We must never forget, that the term is "Nahuatl" and as such recognized by all the other tribes, outside of the Mexicans proper. The interpretation as "family" in the QQuiché tongue of Guatemala, which we have already mentioned, turns up here as of further importance). th. is chiefs of an old race or family, from the word Calpulli or Chinancalli, which is the same, and signifies a quarter (barrio), inhabited by a family known, or of old origin, which possesses since long time, a territory whose limits are known, and whose members are of the same lineage." "The calpullis, families or quarters, are very common in each province. Among the lands which were given to the chiefs of the second class, there were also calpullis. These lands are the property of the people in general ("de la masse du peuple") from the time the Indians reached this land. Each family or tribe received a portion of the soil for perpetual enjoyment. They also had the name of calpulli, and until now this property has been respected. They do not belong to each inhabitant of the village in particular, but to the calpulli, which possesses them in common." Don Ramirez de Fuenleal, letter dated Mexico, 3 Nov. 1532 ("Recueil de pièces, etc., Ternaux-Compans, p. 253). "There are very few people in the villages which have lands of their own . . . . the lands are held in common and cultivated in common." Herrera (Dec. III. lib. IV, cap. XV, p. 135) confirms, in a condensed form, the statements of Zurita: "and they are not private lands of each one, but held in common." Torquemada (Lib. XIV, cap. VII, p. 545). Veytia (Lib. III, cap, VI, p. 196). "Finally there were other tracts of lands in each tribe, called calpulalli, which is. land of the calpules (barrios), which also were worked in common." Oviedo (Lib. XXXII, cap. LI, pp. 536 and 537). Clavigero (Lib. VII, cap. XIV). Bustamante ("Tezcoco, etc.," Parte IIIa. cap. V, p. 232).

[89] Zurita (p. 52). "He who obtained them from the sovereign has not the right to dispose of them." Herrera (Dec. III, lib, IV, cap. XV, p. 135), "he who possessed them, could not alienate them, although he enjoyed their use for his lifetime." Torquemada (Lib. XIV, cap. VII. p. 545). Disputes about lands are frequently mentioned but they refer to the enjoyment and possession, and not the transfer of the land. Baron Humboldt ("Vues des Cordillères et monuments indigènes des peuples de l' Amérique," Vol. I, Tab. V), reproduces a Mexican painting representing a litigation about land. But this painting was made subsequent to the conquest, as the fact that the parties contending are Indians and Spaniards sufficiently asserts. Occasional mention is made that certain lands "could be sold." All such tracts, however, like the "pillali" have been shown by us to be held in communal tenure of the soil, their *enjoyment* alone being given to individuals and their families.

[90] Zurita (p. 52). "In case of need it was permitted to farm out the lands of a calpulli to the inhabitants of another quarter." Herrera (Dec. III, Lib. IV, cap. XV, p. 134). "They could be rented out to another lineage."

[91] Zurita (p. 52). "When a family dies out, its lands revert to the calpulli, and the chief distributes them among such members of the quarter as are most in need of it."

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a democratic organization. Its business lay in the hands of elective chiefs:—"old men," promoted to that dignity, as we intend to prove in a subsequent paper, for their merits and experience, and after severe religious ordeals. These chiefs formed the council of the kin or quarter, but their authority was not absolute since on all important occasions a general meeting of the kindred was convened.[92] The council in turn selected an executive, the "calpullec" or "chinancallec" who, in war, officiated as "achcacauhtin" or "teachcauhtin" (elder brother).[93]—This office was for life or during good behavior.[94] It was one of his duties to keep a reckoning of the soil of the calpulli, or "calpulalli," together with a record of its members, and of the areas assigned to each family,—and to note also whatever changes occurred in their distribution.[95] Such changes, if unimportant, might be made by him;

[92] Zurita (pp. 60, 61, 62). Ramirez de Fuenleal ("Letter, etc." Ternaux-Compans, p. 249).

[93] Zurita (p. 60). "The calpulli have a chief taken necessarily from among the tribe, he must be one of the principal inhabitants, an able man who can assist and defend the people. The election takes place among them. . . . The office of this chief is not hereditary; when any one dies, they elect in his place the most respected old man. . . . If the deceased has left a son who is able the choice falls upon him, and a relative of the former incumbent is always preferred" (Id. pp. 50 and 222). Simancas M. S. S. ("De l'ordre de succession, etc.;" "Recueil," p. 225). "As to the mode of regulating the jurisdiction and election of the alcaldes and regidors of the villages, they nominated men of note who had the title of achcacaulitin. . . . . There were no other elections of officers . . ." "Art of War, etc." (pp. 119 and 120).

[94] Zurita (pp. 60 and 61). Herrera (Dec. III, Lib. IV, cap. XV, cap. 125). "I le elegian entre si y tenian por maior."

[95] Zurita (pp. 61 and 62). "This chief has charge of the lands of the calpulli. It is his duty to defend their possession. He keeps paintings showing the tracts, the names of their holders, the situation, the limits, the number of men tilling them, the wealth of private individuals, the designations of such as are vacant, of others that belong to the Spaniards, the date of donation, to whom and by whom they were given. These paintings he constantly renews, according to the changes occurring, and in this they are very skilful." It is singular that Motolinia, in his "Epistola proémial" ("Col. de Doc.:" Icazbalceta, Vol. I, p. 5), among the five "books of paintings" which he says the Mexicans had, makes no mention of the above. Neither does he notice it in his letter dated Cholula 27 Aug., 1554 ("Recueil de pièces, etc.," Ternaux-Compans). Sahagun (Lib. VIII, cap. XV, p. 304) says, "porque primeramente demandaban la pintura en que estaban escritas ó pintadas las causas, como haziendas, casas, ó maizales" (Id. cap. XXV, p. 314). This tends to prove the existence of such paintings. Mendieta (Lib. II, cap. XXVII, p. 135). Torquemada (Lib. XIV, cap. VIII, p. 546), "and in order to prevent any confusion in these lands they painted them on long strips ("lienzos") in the following manner. The lands of the calpules light yellow, those of the principals flesh-red, and the lands of the Kings income of a fiery red color,—so that, on opening one of these rolls, the entire pueblo, its limits and outlines could be seen at a glance." This is another confirmation of our views about the distribution of the soil, and the fact that the two latter classes had but different shades of red, is somewhat significant. See Clavigero (Lib. VII, cap. XIV), who confirms. The explanation of Zurita covers the whole ground, however, and explains both of the last statements.

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618 Such changes, if unimportant, might be made by him;
423 more important ones, or contested cases, had to be referred to the
[627] council of the kinship, which in turn often appealed to a gathering of the entire quarter.[96]

The "calpulalli" was divided into lots or arable beds, "tlalmilli."[97] These were assigned each to one of the married males of the kinship, to be worked by him for his use and that of his family. If one of these lots remained unimproved for the term of two consecutive years, it fell back to the quarter for redistribution. The same occurred if the family enjoying its possession removed from the calpulli. But it does not appear that the cultivation had always to be performed by the holders of the tract themselves. The fact of improvement under the *name* of a certain tenant was only required to insure this tenant's rights.[98]

622 Therefore the chiefs and their families, although they could not,
618 from the nature of their duties, till the land themselves, still could
423 remain entitled to their share of "tlalmilpa," as members of the calpulli. Such tracts were cultivated by others for their use. They were called by the specific name of "pillali" (lands of the chiefs or of the children, from "piltontli" boy, or "piltzintli,"

[96] Zurita ("Rapport, etc.," pp. 56 and 62). We quote him in preference, since no other author, known to us, has been so detailed.

[97] "tlalmilli" "tierras, ó heredades de particulares, que estan juntas en alguna vega" (Molina, Part IIa, p. 124).

[98] Each family, represented by its male head, obtained a certain tract or lot for cultivation and use. Zurita (p. 55). "The party (member of the calpulli, because no member of another one, had the right to settle within the area of it. See Id. p. 53), who has no lands, applies to the chief of the calpulli who, upon the advice of the other old men, assigns to him such as correspond to his ability and wants. These lands go to his heirs . . . . . ." Id. (p. 56.) "The proprietor who did not cultivate during two years, either through his own fault or through negligence, without just cause . . . . . he was called upon to improve them, and if he failed to do so, they were given to another the following year." Bustamante ("Tezcoco, etc.," Parte IIIa, p. 190, cap. I). The fact, that any holder of a "tlalmilli" might *rent* out his share, if he himself was occupied in a line precluding him from actual work on it, results from the lands of the "calpulli" being represented alternately treated as communal, and again as private lands. Besides, it is said of the traders who, from the nature of their occupation, were mostly absent, that they were also members and participants of a "calpulli" (Zurita, p. 223. Sahagun Lib. VIII, cap. III, p. 349). Now, as every Mexican belonged to a kinship, which held lands after the plan exposed above, it follows that such as were not able to work themselves, on account of their performing other duties subservient to the interests of the community, still preserved their tracts by having others to work them for their benefit. It was not the right of tenancy which authorizes the improvement, but the fact of improvement for a certain purpose and benefit, which secured the possession or tenancy.

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child),[99] and those who cultivated them carried the appellation of "tlalmaitl"—hands of the soil.[100]

The "tlalmilpa," whether held by chiefs or by ordinary members of the kin ("macehuales") were, therefore, the only tracts of land possessed for use by individuals in ancient Mexico. They were so far distinguished from the "tecpantlalli" and "tlatocatlalli" in their mode of tenure as, whereas the latter two were dependent

[99] It is just the "pillali" which oppose the greatest difficulties to this investigation, and to a clear conception of the mode of tenure of lands in ancient Mexico. They are generally represented (whenever mentioned), as private domains of the chiefs. Torquemada (Lib. XIV, pp. 345 and 346), distinguishes two kinds of "pillali." The first one he says might be sold,—but he places the restriction upon them, that such as held lands through conquest ("sujecion") or through gift ("merced") of the chief, had to go to the descendants, as majorat; and if they died without heirs, the King, or Lord became such, and they were incorporated into his royal Estates." The other kind was not transmissible at all. Clavigero (Lib. XVII, cap. XIV). We notice here a confusion between official tracts and such lots of the "calpulli" as pertained to the chief's family in consequence of their membership of the Kin. Also between "tribute-lots" and the official tracts, of conquered tribes. Torquemada acknowledges, that the "pillali," upon the death of the family, were incorporated in the calpulli to which that family belonged, "in order that they might pay tribute." This ought to define their true position and nature.

[100] From "tlalli" soil, and "maitl" hand. Hands of the soil. Molina (Parte IIa, p. 124), has: "tlalmaitl"—"labrador, ò gañan." This name is given in distinction of the "macehuales" or people working the soil in general. The tlalmaites are identical with the "mayeques." See Zurita (p. 224), "tlalmaites or mayeques, which signifies tillers of the soil of others . . . ." He distinguishes them plainly from the "tecalleс" which are the "tecpanpouhque" or "tecpantlaca" formerly mentioned as attending to a class of official lands (p. 221, Zurita). Herrera (Dec. III, lib. IV, cap. XVII, p. 138). "These mayeques could not go from one tract to another, neither leave those which they cultivated, and they paid a rent to its masters according as they agreed upon ("en lo que se convertiban") in what they raised. They paid tribute to nobody else but the master of the land." This tends to show that there existed, not an established obligation, a serfdom, but a voluntary contract, that the "tlalmaites" were not serfs, but simply renters. Torquemada (Lib. XIV, cap. VII. p. 345), ". . . . those that were knights ("caballeros") and descendants of the families of the Kings, and Lords, had their particular lands and their rentals, where many of them held renters ("terrazgueros") which served them, tilled the crops and served them in their houses. These lands were called pillali or "land of nobles and knights." We prefer the etymology "piltontli" "niño ò niña, muchacho ó muchacha" (Molina, II, p. 82), or "piltzintli" niño ó niña" therefore lands of the children,—to the derivation from "pilli." The title of chief was "tecuhtli," and the word "pilli" substituted for it is certainly but in connection with the occupation of a particular place of office, and not a title itself. Bustamante ("Tezcoco, etc.," p. 330. "The sovereigns as well as the inferior Lords and other principals had their own patrimonial estates, and in them their mayeques or Tlalmayes, what these gave of rent were tributes of the Lord," Id. pp. 233 and 234).

The "tlalmaites" appear to have been free from other tributes, and free from communal labor outside of the "pillali" (Bustamante, p. 233. Herrera, Dec. III, lib. IV, cap. XVII, p. 138). It is not very clear, however, whether this applies simply to the conquering tribe alone, or also to the tlalmaites of conquered tribes, as towards the tribute due by that tribe to their conquerors. The detailed relations between the two are yet somewhat obscure and confuse in some points.

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marked improvement, at least in the personal condition of the Indians. They were, hereafter, at least to some extent, protected from the bodily slavery in which the former acts had plunged them. In regard to the tenure of lands, however, the laws wrought no change. Further direct spoliations became more difficult, but the new principle of private ownership had been firmly implanted, not merely *around* but *among* the natives themselves, and the obliteration of the ancient usages, by the extension of this principle, could not be stayed.

Of the aboriginal mode of tenure of lands and of their distribution, but one vestige remained—the last monument so to say, and the one which embodies, happily, all its principal features. These are the lands of *kinship*, held in common by the consanguine group or calpulli, and called as we have seen, "calpulalli," by the Mexicans.

Although their order had been very much disturbed since in many cases the official tracts, "tecpan-tlalli" and "tlatoca- tlalli," as well as those apportioned to the chiefs as members of the kin, "tlalmilli," were appropriated by the conquerors,—the bulk of the "calpulalli" could not, for a long time, be disintegrated for private uses, notwithstanding the still more nefarious influence exercised by the donation of lands to individuals, with the faculty of barter or sale, in the very heart of the organization itself. Even up to the present time, these communal tracts are still found in Mexico, occupied and tilled by the aborigines after their original customs.[151]

[151] Mr. James Pascoe, an English gentleman, resident of Toluca, has in a letter reported upon by the French "Journal des Missions Evangéliques" (1874), given a detailed description of the condition of the Indians in his vicinity. His statements about their communal system of tenure, the eligibility of their chiefs, etc., etc. ("gobernadores") are very positive and plain.

Mr. Stephens, in "Travels in Yucatan" (Vol. II, cap. I, pp. 14 and 15), described the mode of life of the settlement ("rancho") of Schawill near Nohcacab, which settlement contained about "one hundred labradores, or working men, their lands are held and worked in common, and the products are shared by all. Their food is prepared at one hut, and every family sends for its portion, etc., etc."

Brantz-Mayer: ("Mexico as it was and as it is," 3d Edition, 1857). While at the hacienda of Temisco near Cuernavaca: "he pointed out to us the site of an Indian village, at the distance of three leagues, the inhabitants of which are almost in their native state. He told us, that they do not permit the visits of white people; and that, numbering more than three thousand, they come out in delegations to work at the haciendas, being governed at home by their own magistrates, administering their own lands, and employing a Catholic priest to shrive them of their sins; once a year. The money they receive in payment of wages, at the haciendas, is taken home and buried; and as they produce the cotton and skin for their dresses, and the corn and beans for their food, they purchase nothing at the stores" (p. 175). Hon. E. G. Squier, in his ex-

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618 tenure of lands corresponding to undisturbed aboriginal society. Thus the calpulli were, to a limited extent, protected, nay fostered, and recognized in law, even as late as the past century.[154] Like all remains of "ancient society," *they* also are bound to disappear, or be transformed in a manner suitable to the exigencies of a higher culture. But it may not be amiss to quote, at the close of this investigation, a tribute paid to their value for the wants of Indian society by Alonzo de Zurita, a Spanish official of perspicacity, deep knowledge, and honest judgment, in his memorial to the King of Spain, written about the year 1560.[155]

618 [154] The litigation over the grant to the caciques of Axapusco and Tepeyahualco, to which we referred in note 151,— is commented upon as follows by Señore J. F. Ramirez in his letter proving the authenticity of the document, dated 30 Sept., 1855, and printed in the Introduction to the "Real Ejecutoria, etc., etc." "D. Juan de los Santos, D. Antonio Estéban, D. Juan and D. Lorenzo Morales, with the title of caciques and principals of Tepeyahualco, and with the right of successors and lawful descendants of D. Juan and D. Fernando Morales "companions (they said), of the illustrious Hernan Cortés in the conquest and pacification of these kingdoms" had been in possession of the municipal government of that pueblo and of Axapusco, and consequently of the administration of their communal property. The dexterous policy of the Spanish government soon conceived the danger of that system, *which was very general in its origin*, and therefore sought to undermine it in its own particular way. It sought, therefore, to develop the municipal (communal) principle of institutions, and setting the democratic element to action, thus placed the caciques in opposition with their former subordinates, destroying their influence and power. In the present case, the viceroy authorized the pueblos mentioned to elect their municipal authorities, and thereby Santos and the Morales were removed from the administration of the properties." These remarks are very important. But the parties appealed from this division and a long suit ensued. The chiefs based their claims upon the grant of Cortés *exclusively* (pp. XIII and XIV), and the pueblos attacked the authenticity of that document; at the same time invoking the right of possession ("plenario de posesion.") The result of the litigation is described as follows: "declaring the possession in favor of the pueblos, condemning Santos to restitution of the fruits (proceeds), but leaving aside the rights of the parties upon the point of ownership" (juicio de propiedad). The whole case shows that the Spanish government recognized:

First: The communal organization of the tribes, and the elective constituency of its chieftains.

Second: That the hereditary office of chiefs, and the hereditary ownership of lands, were Spanish innovations ("que á su principio fué muy ordinario"). Now this origin ("principio") is certainly not intended to go farther back than the conquest.

Third: That the only right and title, as claimed by the chiefs, was derived from the grant of Cortés, and that they did not claim any prior right, connected with descendancy or with privilege of caste.

Fourth: Consequently, that the Spanish government itself recognized the anterior democratic constituency of the Indian community, and its customs, regarding them as prevailing even over the acts and disposition of Cortés,— although to him the Spaniards owed the conquest of the country.

[155] Rapport sur les différentes classes de chefs de la Nouvelle Espagne." pp. 63 and 64. The original of this highly important report to the King of Spain, has been printed once, but very defectively, in the "Collecion de Documentos Inéditos relativos al Descubrimiento, etc., etc." It is much to be regretted that my learned friend, Sr. Icazbalceta, has not incorporated that copy of it pertaining to Sr. Ramirez, in his valuable

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About the middle of the thirteenth century the Mexicans while on a migration towards more southern regions, made

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by the so-called calendars just named, which peculiarities may throw some light on the questions raised, as to whether they originally denoted kins or not.

With a single exception (Cipactli), the Mexican and allied calendars contained the name of not one object, or phenomenon, which might not be met with *somewhere* over the wide area which the three linguistical stocks occupied at the time of the Conquest. Still, as Sr. Orozco y Berra strikingly proves ("*Geografía de las Lenguas*," Parte IIa, Cap. V, p. 107), the Mexican month contains the names of animals unknown to the ultimate home of the tribe as well as to more *northern* regions. Thus the *monkey* ("Ozomatli") is not found on the high central tableland. In regard to the sign Cipactli, I shall elsewhere refer to this sign, which may perhaps denote a "cuttle-fish" of monstrous dimensions.

Supposing now (since we have no proof yet to the contrary), that this "marine monster" was also an inhabitant of tropical seas, it must strike us that the twenty signs for the days of the aboriginal calendars under consideration

(1). Represent types and phenomena which are met with, *not exclusively, but still all*, within the area of Mexico and Central America.

(2). That some of the animal types are limited to tropical and low regions only.

(3). That none of the animals belong exclusively to the temperate zone of North America.

Consequently, that these signs are of a meridional origin, and even, taking into account that the monkey is not found in the valley of Mexico, that they originated to the *south* of it. Still, the four "Leaders," as I have called them (the first signs of each "week" of five days), namely: Rabbit, cane, flint, and house,—might as well have been selected at the *north*.

It is a fact abundantly proven, that the kins or gentes composing the tribes of North America are named after a principle identical with that found in the naming of the days among the aborigines of more southerly latitudes, namely: after objects and natural phenomena. Mr. Morgan has given the names of the gentes of at least thirty tribes, consisting in all of two hundred and ninety-six gentes. Of these two hundred and ninety-six names, ninety-eight are signs of the Mexican days, repeatedly found in the different tribes. These signs are as follows:—

| | |
|---|---|
| Itzcuintli, Dog, mostly found, however, as wolf | 22 times. |
| Quauhtli, Eagle | 12 " |
| Cozcaquauhtli, Hawk (although it is the "ringed vulture") | 8 " |
| Mazatl, Deer, Elk, Caribou, Antelope | 20 " |
| Cohuatl, Snake | 9 " |
| Atl, Water (also as "Ice," "Sea," etc.) | 4 " |
| Miquiztli, Skull (as "Head") | 1 time. |
| Ollin (as "many seasons" and "Sun") | 2 times. |
| Calli, House (as "high village" and "lodge") | 3 " |
| Tecpatl, Flint (as "knife") | 2 " |
| Ocelotl, Tiger (also as "panther" and "wild cat") | 5 " |
| Ehecatl, Wind | 1 time. |
| Acatl, Cane (also as "Indian corn") | 3 times. |
| Tochtli, Rabbit (also as "hare") | 3 " |
| Cuetzpalin, Lizard ("frog") | 1 time. |
| Xochitl, Flower (as "Tobacco") | 1 " |
| Quiahuitl, Rain | 1 " |

I beg to observe, that if I have added "Cozcaquauhtli" to this list, supposing it to be the equivalent of "Hawk," this is a mere suggestion, and not an affirmation on my part.

Thus sixteen, if not seventeen, of the twenty signs of days of the Mexican month, are found in North America as "*totems*" *probably of aboriginal clans or kins.*

It is further interesting to note, that of the nine clans composing the Moqui tribes of Arizona, the names of seven correspond to signs of Mexican days, ("*Ancient Society*," Part II, p. 179). What little is known of the Laguna Indians foreshadows a similar result (p. 180), thus permitting the query, whether the pueblo Indians of the

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A 173 618 their first appearance in the northern sections of the former republic of Mexico, as a cluster of seven kins, united by the bond of common language and worship.[32] The names of these seven kins are distinctly stated and it is not devoid of interest to notice that some of these names were perpetuated as late as 1690 among the numerous "Indian wards" of the present City of Mexico.[33] We may as well add here, that these

A M 805 171 central west might not perhaps show a closer connection yet between the very ancient Mexican kins as denoted by their days, and the gentes composing their own tribes.

After these speculations, which I submit for what they may be worth, and with the distinct reserve that I do not attach any value to them save as hints and queries for further investigation, I beg leave to state, that in my fourth paper "On the Creed and Belief of the Ancient Mexicans," I intend to discuss all these points with more thoroughness, and, I hope, with the aid of more suitable material than that now at my command.

A 197 173 621 [30] *Ixtlilxochitl* ("*Relaciones historicas*" "*Segunda Relacion*," Kingsborough, Vol. IX, p. 323) "y casi el ultimo de estos años se juntaron dos cabezas principales y los otros cinco inferiores á tratar si se quedarian en esta tierra ó si pasarian mas adelante." Also "*Noticias de los Pobladores y Naciones de esta Parte de America llamada Nueva-España*" ("*Tercera Relacion de los Tultecas*," Kingsborough, IX, p. 393), "Estos siete caudillos . . . . . con todas sus gentes vinieron descubriendo y poblando por todas las partes que llegaban." ("*Histoire des Chichimèques*," Cap. I, p. 13), "Ils avaient sept chefs, et choisissaient alternativement un d'entr'eux pour les gouverner." In addition to authorities quoted on the Tultecs in "*Tenure of Lands*" (p. 388, note 7, to p. 392). I refer to *Velancurt* ("*Teatro Mexicano*," Vol I, Part II, Trat. I. Cap. IV, p. 234). *Granados y Galvez* (2a Tarde, p. 31).

[31] "*Tardes Americanas*" (p. 31), "bien es que los mapas de estos no nos pintan tierras, sino familias: y como estos vaguearon sin fixeza alguna por tan varios rumbos. . . . . ." It is superfluous to quote authorities in full, I but refer to "*Histoire des Chichimèques*" (Cap. V, pp. 36, 39; X, p. 70). *Sahagun* (Lib. X, cap. XXIX). The whole chapter is very important. *Durán* (Cap. II, pp. 10, 11, 12, 13, 14, 15, 16, III; pp. 19, 20, 21, and plates I, to Trat. I°, also pl. I, to Trat. II°). *Acosta* (Lib. VII, cap. II, p. 454, and cap. III entire). *Mendieta* (Lib. II, cap. XXXIV, p. 147). *Torquemada* (Lib. I, cap. XXIII, p. 51; cap. XXVI, p. 54; Lib. II, cap. I, p. 78, etc.). *Garcia* ("*Origen*, etc.," Lib. III, cap. I, p. 81; Lib. V, cap. III, p. 321). *Herrera* (Dec. III, Lib. II. cap. X, pp. 80, 90). *Veytia* (Lib. II, cap. VI, p. 99 of 2d Vol.). *Velancurt* (Vol. I. "*Teatro*," Parte II, Trat. I, cap. IX, pp. 254, 255). *Clavigero* (Lib. II, cap. IV, pp. 146, 147), and others.

[32] The number *seven* (7) is almost generally accepted. Compare "*Tenure of Lands*" (p. 399, and note 21). Besides the authors there mentioned as accepting seven kins, I refer to *Dr. Ad. Bastian* ("*Die Culturlaender des Alten Amerika*," Vol. II, p. 466, note 2). *Cabrera* (in *Mauloli's Palenqué*, p. 77. Rather confused).

[33] I have gathered these names out of the following sources: *Durán* (Cap. III, pp. 20, 21), *Tezozomoc* (Cap. I, p. 6, Kingsborough, Vol. IX), *Veytia* (Lib. II, cap. XII, p. 91 of 2d Vol.). They are stated as follows:—

| *By Durán.* | *By Tezozomoc.* | *By Veytia.* |
|---|---|---|
| Yopica. | Yapica. | Yopica. |
| Tlacochcalca. | Tlacochcalca. | Tlacochcalca. |
| Vitznagoa. | Huitznahuac. | Huitznahuac. |
| Cuatecpan. | Cihuatecpaneca. | Cihuatecpaneca. |
| Chalmeca. | Chalmeca. | Chalmeca. |
| Tlacatecpaneca. | Tlacatecpaneca. | Tlacatecpaneca. |
| Yzquiteca. | Yzquiteca. | Itzcuintecatl. |

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Indian wards, their peculiar organization, and their communal lands, disappeared only after the secession of Mexico from Spain, not more than fifty years ago.[34]

There is, however, a fundamental difference between Durán on one hand, and Veytia and Tezozomoc on the other, inasmuch as the former says that these seven names were those of the *tutelar deities* of the seven kins ("barrios"), whereas the latter two give them as the names of *these kins themselves*. The seven tutelar deities are also named by them, and called as follows: "Quetzalcohuatl, Tlazolteo.l, Macuilxochiquetzalli, Chichilticcenteotl, Piltzintecuhtli, Tezcatlipuca, and Mictlantecuhtli" (*Veytia*, as above quoted). *Tezozomoc* (p. 6), calls these gods: "Quetzalcohuatl, Oxomoco, Matlaxochiquetzal, Chichilticzenteutl, Piltzintecutli, Metzutl, Tezcatlipuca, Mictlantecuhtli y Tlamacazqui, y otros dioses con ellas. . . . . ." A discussion of these names is very difficult, and its results appear doubtful. Still, we distinctly recognize: "Tlacochcalca," plural of "Tlacochcalcatl," therefore, "men of the house of darts." (See "*Art of War*," p. 121, note 104). "Huitznahuac," according to *Molina* (IIa, p. 157), "uitztic" is a pointed object, "uitztli" a large thorn, but "uitztlan" is the south. "Nahuac," in this instance, probably (or rather possibly), signifies "among" or "near to," thus perhaps, "people from the south" or "from near the thorns." (Example: "Quauhnahuac"—"por de los arbolos," *Molina*, II, p. 63. *Pimentel* "*Cuadro descriptivo*, Vol. I. pp. 170, etc.) "Cihuatecpaneca" from "Cihuatl" woman, and "tecpan" official house. "Tlacatecpaneca" from "Tlacatl" man, and "tecpan." Finally, "Itzcuintecatl" seems to derive from "Itzcuintli" Dog, and "tecatl." The latter again decomposes into: "nitla tequi" to cut (*Molina*, II, p. 105), and "tlacatl" man, therefore the whole would be "dogcutters." "Yzquitecatl" gives a still more curious etymology, which is, however, so improbable, that we refrain from mentioning it even

It will be seen at a glance that none of these seven kins were named after the Mexican days, the last one alone containing, perhaps, the word "Itzcuintli," but even this is very doubtful yet. I shall but refer here to a singular passage in *Durán* (Cap. III, p. 20). "Ya hemos dicho como traian á su principal dios, sin cuyo mandado no se osaban menear: traian empero otros siete dioses, que á contemplacion de los siete cuevas donde auian anitado siete congregaciones de gentes ó siete parcialidades, los reverenciaban con mucha grandeza."

After the capture of Tenochtitlan by Cortés, its site was reserved by him for the erection thereupon of the Spanish city, whereas the site of Tlatilulco became the Indian settlement for a time, or rather was intended for that purpose. *Cortés* ("*Carta*. IV, pp. 110, 111, Vedia I). *Motolinia* (Trat. III, cap. VII, pp. 180, 181). *Oviedo* (Lib. XXXIII, cap. XLIX, pp. 528, 530). *Juan de Torquemada* (Lib. IV, cap. CII, p. 572.-Lib. III, cap. XXVI, p. 290). *Herrera* ("*Descripcion de las Indias Occidentales*," Cap. IX, p. 17. "*Historia*," Dec. III. lib. IV, cap. VIII, p. 122). *Vetancurt* ("*Crónica de la Provincia del Santo Evangelio de Mexico*" 4th Part of the "Teatro," pp. 124, 131, 132, 212, and 213).

It is the latter author, *Vetancurt* ("*Crónica*," pp. 131, 132, 212, and 213), who gives us the names and numbers of the Mexican quarters, "barrios," or localized kins who, under the form of "Indian wards," still existed in 1600. I assume this date from the fact that the "Licencia" of the "Comisario general de Indias," is dated 17 April, 1602, (p. 12, Vol. I, "*Teatro*"). Besides mentioning the four great quarters of Mexico (p. 124), of which we shall hereafter speak, he says: "Los barrios son veinte, donde están once ermitas fabricadas que sirven para sacramentar en ellas á los que no tienen casa, decente, sirviendo de oratorios del barrio, donde en las fiestas particulares se suelen decir misas rezadas, y en algunas fiestas de devocion cuando la piden." He also gives us (pp. 212, 213) information about Tlatelulco,—information which proves that the aborigines settled there "en seis parcialidades, que cada cual tiene sus barrios, y veinte ermitas con sus titulares que celebran." This is rather obscure, and I shall

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618 While the seven consanguine clusters above mentioned com-
174 posed, to all intents and purposes, one tribe as towards outsiders, there still appear among them germs of discord which, at a later date, caused a disruption of mutual ties. The details are too vague and too contradictory to allow any inference even as to the real nature of such dissensions.[35] One fact, however, is ascertained, namely: that the whole group bore in common all the hardships and vicissitudes of a wandering life and the encroachments, aggressions and temptations from outsiders; that they had sheltered together in a safe retreat, and that only when relative safety from violence was secured, a permanent division took place. These considerations should dispose of the

[173 therefore give the names of the Mexican "barrios" by the side of the "ermitas" of
619 Tlatelulco, leaving the reader to notice coincidences himself.

| *"Barrios" of Mexico.* | *"Ermitas" of Tlatelulco.* |
|---|---|
| Santo Cristo de Tzapotla. | Santa Ana Atenantitech. |
| Santa Veronica de Huehuecalco. | Santa Lucia Teipochcaltitlan. |
| Santa Cruz de Tecpancaltitlan. | La Concepcion de Atenantitlan. |
| San Pedro de Cihuateocaltitlan. | San Francisco Mecantalinco. |
| Espiritu Santo de *Yopico*. | La Asuncion de Apazhuacan. |
| San Felipe de Jesus de Teocaltitlan. | San Martin Atezcapan. |
| Santiago de Tlaxilpan. | Santa Catalina Cohuatlan. |
| Los Reyes de Tequicaltitlan. | San Pablo Tolquechiucan. |
| La Candelaria de Atlampa. | Nuestra Señora de Belen Tlaxoxiuheo. |
| La Ascension de Tlacacomoco. | Los Reyes de Capoltitlan. |
| San Diego de Amanalco. | San Simon Iztatla. |
| El Niño Jesus de Tepetitlan. | Santa Inés Hueipantonco. |
| El Descendimiento de Atizapan. | San Francisco Izcatla. |
| San Salvador de Xihuitongo. | Santa Cruz Azococolocan. |
| La Navidad de Tequixquipan. | San Antonio Tepiton. |
| San Salvador de Necaltitlan. | La Asuncion de Tlayacaltitlan. |
| La Concepcion de Xoloco. | San Francisco *Cihuatecpan*. |
| San Juan de Chichimecapan. | San Juan *Huitznahuac*. |
| San Antonio de Tezcatzonco. | Sa Asuncion de Izayoc. |
| San Sebastian Copoico. | Santa Clara Acozac. |

I have italicized those names which are also found among those of the seven original *tlas* above enumerated, and thus we find three of them, one in Mexico, and two among the "Ermitas" of Tlatelulco.

[34] *Fernan Gonzalez de Eslava* ("*Coloquios espirituales y Sacramentales, y Poesias Sagradas*," Second Edition, 1877, by Sr. Icazbalceta.) The learned editor makes the following note, 50. to page 57. "Cuando se reedificó la ciudad de México, despues de la conquista, se colocaron en el Centro las casas de los españoles, y los Indios levantaron las suyas alrededor de aquellas. Esta poblacion india se dividió en cuatro barrios ó *parcialidades*, regidos por caciques de su nacion, sujetos á un gobernador de la misma. Los barrios principales eran San Juan y Santiago." Calling my attention to this note in his letter of 14 Nov., 1878, my esteemed friend adds: "Con el tiempo se confundió la poblacion y desaparecieron esos barrios; pero aun quedò el nombre y los bienes que poseian las 'parcialidades' los cuales desaparecieron tambien en mi tiempo."

[35] The dissensions between what subsequently became the Mexicans and the Tlatelulcans are so variously described by the authorities, that it is hardly worth while to discuss them.

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assumption, frequently made, that the Mexicans were divided into two distinct clusters at the outset.

A council of chiefs, representing the seven kins meeting on equal terms, composed the government of the ancient Mexicans at that period of their history. Among these, occasional "old men" of particular ability loom up as leading advisers. But no permanent general office of an executive nature is mentioned; although even occasional braves acquired historical prominence through their deeds of valor and of sagacity.[36]

But, while the organization was thus amply sufficient for the needs of a straggling band, Indian worship or "medicine" (as the native term implies) represented, inside of that organization, the lingering remains of what we have already suggested to be the oldest aboriginal clusters of society. Corresponding to the *four* original kins of the QQuiché, to the *four* leading days of the calendar with the traditions attached to their origin, we find among the ancient Mexicans at that period *four* chief medicine men, or "old men," who at the same time are "carriers of the God."[37]

[36] "*Tenure of Lands*" (P. 398 and 399, Notes 21 and 22). In addition to the authorities quoted there, I refer to: *Gomara* ("*Conquista de Méjico*" Vedia I, p. 431). "y dicen que no trajeron señores, sino capitanes." (Idem p. 433. "De los reyes de Méjico"). *Motolinia* ("Epistola proémial," p. 5). "aunque se sabe que estos Mexicanos fueron los postreros, y que no tuvieron señores principales, mas de que se gobernaron por capitanes." —*Mendieta* (Lib. II, cap. XXXIV, p. 148). "Dicen que el èjército mexicano trajo por caudillos ò capitanes diez principales que los regian, . . . . . Entre estos eligieron, luego como hicieron su asiento, por rey y principal señor á Tenuch." *Torquemada*. (Lib. II, cap. I, p. 78; cap. XII, pp. 94 and 95).

The fact of the election of the *first* so-called "King" of the ancient Mexicans, so generally acknowledged that no evidence of it is needed, is proof enough that, previous to it, the government of the Mexicans was at least, not monarchical. The words of Torquemada, (p. 94, vol. I.) "Dicese, que aviendo pasado veinte y siete años, que se governaban en comun, los unos, y los otros, les tomó gana de eligir Rey, . . . ." are plain enough.

Aside from the "leaders" (caudillos) of the Kins frequently mentioned, occasional war-chiefs or directing braves turn up during this period of their wandering existence. Thus, a chief whom they called "Mexi" is mentioned by *Acosta* (Lib. VII, cap. IV. p. 469), *Sahagun* (Lib. X, cap. XXIX, p. 138 and 139), *Herrera* (Dec. III, lib. II, cap. X. p. 60); and another very famous warrior, "Humming Bird." (Huitzilihuitl) led the Mexicans during their fray with the valley-tribes at Chapultepec, losing his life in the sally by which they broke through their surrounding enemies. *Durán* (Cap. III, p. 27; IV, 30). *Acosta* (Lib. VII, cap. V, p. 463). *Torquemada* (Lib. II, cap. III, p. 82; IV, p. 84; Lib III, cap. XXII, p. 289). *Velascurt* (Parte IIa, Trat. Io, cap. IX, p. 261; cap. X, p. 265 and 266). *Granados y Galvez* (*Tarde Quinta*, p. 151). *Veytia* (Lib. II, cap. XII, p. 97; cap. XIII, p. 110; cap. XIV, p. 116, 124; cap. XV. p. 130 and 131). He affirms that "Humming Bird" was the first "King of the Mexicans," which, however, is expressly disproved by other authors.

[37] *Tezozomoc* ("*Crónica*" cap. I, p. 6), mentions the four old men who carried the so-called sister of Huitzilopochtli, "y á esto dijo Tlamacazqui Huitzilopochtli á los viejos

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174 618 624 It seems to indicate, that as relics of four very ancient kins, a kind of superstitious ("standing over") deference was paid to them, implying a voice and vote in the councils of the tribe.[38]

que la solian traer cargada, (que se llamavan Qnaahtlonqnetzque, y Axoloa el segundo, y el tercero llamado Tlamacazqui Cnauhcoatl, y el cuarto Ococaltzin"). (Cap. III. p. 8), at Chapultepec "y alli les habló Huitzilopochtli á los sacerdotes, que son nombrados Teomamaques, cargadores del dios, que eran Cnauhtloquetzqui, Axoloa, Tlamacazqui y Aococaltzin, á estos cargadores de este idolo, llamados sacerdotes, les dijo."—*Durán* (Cap. III. p. 21). Llegados a aquel lugar de *Pazcuaro*, viéndole tán apacible y alegre, consultaron á su dios los sacerdotes y pidiéronle: . . . . . el dios *Vitzilopochtli* respondió á sus sacerdotes, en sueños . . . " These words repeat themselves almost, several times in cap. IV, V, and VI. Finally he is very positive, (Cap. VI. p. 46), "con los quatro ayos de *Vitzilopochtli*. los quales le vian visiblemente y lo hablaban, que se llamauan *Cnauhtloquetzqui*, el segundo *Ococatl* el tercero *Chachalaitl* y el cuarto *Axoloa*, los quales eran como ayos, padres, amparo y reparo de aquella gente," *Acosta* (Lib. VII, cap. IV. p. 459), "Con esto salieron llevando á su ydolo metido en una arca de juncos, la qual llevavan quatro Sacerdotes principales, con quien el se communicava, y dezia en secreto los successos de su camino auisandoles lo que les auia de suceder, dandoles leyes, y enseñándoles ritos y ceremonias, y sacrificios. No se movian un punto sin parecer y mandato deste ydolo." *Herrera* (Dec. III. lib. II, cap. X, p. 60). "Llevaron este Idolo en una Arca de Juncia en hombros de quatro Sacerdotes, los quales enseñaban los Ritos, i Sacrificios, i daban Leies, i sin su parecer no se movian en nada." Besides these specifically and exclusively Mexican sources, to which others will be added hereafter, the fact of these four chief-medicine men "tlamacazqui" from "tlama"—medicine-man, (*Molina* II, p. 125), is proven by authors who rather incline to the texcucan side. *Torquemada* (Lib. II, cap. I, p. 78), "y ordenó, que quatro de ellos, fuesen sus ministros, para lo qual, fuéron nombrados Qnauhcohuatl, Apanecatl, Tezcacohuatl, Chimalman," (Lib. VI, cap. XXI, p. 41, but especially Lib. IX. cap. XIX, p. 205). "De los primeros Mexicanos, que vinieron á estas Tierras, sabemos, que no traxeron Rei, ni otro Caudillo particular (contra los que tienen, ó afirman lo contrario) sino que venian regidos de los Sacerdotes, y ministros del Demonio; sobre cuios hombros venía la Imagen del Dios Huitzilupuchtli, y á los consejos, y determinaciones de estos ministros eran obedecientes." The most explicit of all, however, is again *Veytia* (Lib. II, cap. XII, p. 92). At the death of Huitziton, "y aqui fué donde empezaron las embustes de los viejos y sacerdotes que con mas inmediacion trataban á Huitziton; porque, ó concebido ya el ambicioso deseo de quedarse con el mando del pueblo, ó para disminiurle á este el dolor que debia causarle tan gran pérdida, . . . ." (p. 94). "Esto es el origen de la famosa deidad Huitzilopuchtli," (p. 99), here Veytia is in error in stating that *Tezozomoc* reports that the four priests were left with Malinalxochitl in Malinalco. This author mentions them again at Chapultepec, "*Crónica*," (Cap. III, p. 8). Further on (Cap. XIII, p. 102), "Yo me persuado á que es distinto, que Ocelopan y sus tres compañeros fueron los cuatro Tlamacazquis que fingieron el embuste del rapto de Huitziton," (p. 109), he says that the "old priests" opposed the election of a head-war-chief ("rey") "por no dejar el mando." (Also Cap XV, p. 131.)

It results from these statements, that the four "Carriers of the God" indeed exercised, or at least claimed some governmental power. In tribal society such power can only come through some *kin*, hence the four "medicine-men" represented four very old clans or relationships, whose names even may have been lost, whereas the former power "stood over," in the form of a participation of "medicine" or worship in the tribal business. I here recall the important utterance of *Boturini* ("*Idea*," pp. 111 and 112 of § XVI), "como fué costumbre de los Indios poner muy pocas Figuras en los mapas, baxo de cuya sombra se hallan numerosos Pueblos, y gentes; y assi dichos siete Tultécos, cuyos nombres refiere el mencionada Don Fernando, se entiende haver sido siete principales Cabezas de dilatados Parentescos, que se escondian baxo los

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174 organization and Institutions of the ancient Mexicans must have reached their ultimate development, to less than two centuries.[39]

"In the midst of canes of reeds" the remains of the Mexican tribe found their future home upon a limited expanse of sod, which even their enemies on the mainland seemed to regard but as a spot fit to die upon.[40] Although much reduced in numbers, the kins themselves remained and a settlement necessitated at once their localization. How this took place, can best be told in the words of one of the native chroniclers, the Dominican monk, Fray Diego Durán.

174 "During the night following, after the Mexicans had finished
618 to improve the abode of their god, and the greatest part of the
615 lagune being filled up and fit for to build thereon, Vitzilopochtli spoke unto his priest or keeper and said to him: "Say unto the Mexican community that the chiefs, each with their relatives, friends and connections, should divide themselves in four principal quarters, with the house which you have built for my resting place in the middle, and that each kin might build within its quarter as best it liked." These quarters are those remaining in Mexico to this day, to wit: the ward of San Pablo, that of San Juan, of Santa Maria la Redonda as it is called, and the ward of San Sebastian. After the Mexicans had divided into these four places their god sent word to them that they should distribute among themselves their gods, and that each quarter should name and designate particular quarters where these gods should be worshipped.' Thus each of these quarters divided into many small ones according to the number of idols called by them Calpulteona, which is to say god of the quarter. I shall not recall here their names because they are not of importance to history, but we shall know that these quarters are like unto what in Spain they call a collation of such and such a saint."[41]

This statement we do not hesitate to accept as expressing gen-

[39] My friend, Prof. Ph. Valentini, of New York, has in hand the study of Central American Chronology proper, as well as Mexican. In his latest work "*The Mexican Calendar stone*" (published first in German as a "Lecture," and afterwards in No. 71, of the "*Proceedings of the American Antiquarian Society*"), he has given a general idea of his researches, but not any details yet about their results. If, therefore, I here admit 1325, A. D as about the date of the so-called "foundation" of Tenuchtitlan-Mexico, it is subject to correction by him.

[40] *Durán* (Cap. IV, p. 32), *Herrera* (Dec. III, lib. II, cap. XI, p. 61).

[41] "*Tenure of Lands*" (p. 400, note 29, and p. 402, notes 32 and 33). In addition to the authorities quoted, I refer to *Herrera* (Dec. III, lib. II, cap. XI, p. 61), and *Samuel Purchas* ("*His Pilgrimages*," 1625, Part III, lib. V, cap. IV, p. 1005).

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nine aboriginal traditions, notwithstanding the attempt, on the part of Fray Juan de Torquemada, to impugn its truthfulness and consequently its validity.[42] It results from it that while the kins, which for the first time in Mexican history are distinctly identified here with the "calpulli," are settling, "as best they liked;" the creation of four geographical divisions, composed each of a number of kins, is attributed here to the influence of worship or, as we have already termed it, of "medicine." This connects those, who subsequently became the four "Indian wards" of Mexico, with the four "carriers of the gods" already mentioned, and this perhaps may be considered a reminiscence of the four original relationships. Of these the sections mentioned appear like a shell, geographically enclosing a number of settled kins. The supposition is not, therefore, devoid of interest that they may have represented brotherhoods of kins, for purposes of worship and warfare. If now we substitute for *kin* the term "*gens*" adopted by Mr. Morgan, those *brotherhoods* necessarily appear in the light of as many "*phratries*."[43]

The time of this occurrence seems almost to coincide with a division (already indicated as in progress) of the original Mexican band into *two* sections. It now culminated in the secession of a part of the tribe and its settlement apart from the main body, though not far away from it and within the lagune also. While the "place of the stone and prickly pear" (Tenuchtitlan) remained, virtually, ancient Mexico, the seceding group founded the Pueblo of Tlatilulco as an independent community at the very door of the former. It appears as its rival even until forty-eight years previous to the Spanish conquest.[44]

[42] "*Tenure of Lands*" (p. 402, notes 32 and 33).

[43] *Morgan* ("*Ancient Society*," Part II, cap. III, p. 88) "The phratry is a brotherhood, as the term imports, and a natural growth from the organization into gentes. It is an organic union or association of two or more gentes of the same tribe, for certain common objects. These gentes were usually such as had been formed by the segmentation of an original gens." If we recall the manner in which the four "quarters" or Mexico first appeared, it will easily be seen that the analogy with phratries is indeed striking. Compare, "*Art of War*" (p. 101, and note 22, and pp. 120, 121, and notes 97, 99, 100, and 101). In "*Tenure of Lands*" (pp. 400 and (401), I have rather favored the view that these four were "calpulli" which subsequently segregated into minor quarters or 'barrios.' I now correct this, having become convinced that the so-called minor *quarters already existed at the time of settlement* (*compare notes* 37 *and* 41).

[44] *Motolinia* (Trat. III, cap. VII, p. 180), mentions a division into but two "barrios' in course of time through increase of population. "Despues andando el tiempo y multiplicandose el pueblo y creciendo la vecindad, hizóse esta ciudad dos barrios ó dos ciudades," *Ixtlilxochitl* ("*Hist. des Chichim.*" Cap. p. 72), merely states they were

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174 It is much to be regretted that our information on this point
114 is so meagre and unsatisfactory, as not to enable us to ascertain
619 whether several *entire kins* separated from the rest to form the new tribe, or whether *fragments of kins* only composed the secessionists. In fact even the cause of the division is stated in such a varied and contradictory manner, that we must withhold any expression of positive views on the subject.

618 Without losing sight altogether of the tribe of Tlatilulco, we still must devote our attention chiefly to the inhabitants of Tenuchtitlan, in which we recognize the ancient Mexicans proper. The number of kins composing the latter at the time of their

divided in two "banda," without saying why and how this division occurred. *Durán* (Cap. V, p. 43), "Hecha esta division y puestos ya en su órden y concierto de barrios, algunos de los viejos y ancianos, entendiendo merecian mas de lo que les daban y que no se les hacia aquella honra que merecian, se amotinaron y determinaron ir a buscar nuevo asiento, y andando por entre aquellos carriçales y espadañales allaron una albarrada pequeña, y dando noticia della á sus aliados y amigos fuéronse á hacer alli asiento, el qual lugar se llamaba Xaltelulli y el qual lugar agora llamamos Tlatilulco, ques el barrio de Santiago. Los viejos y principales que alli se pasauan fuéron quatro; el uno dellos se llamaba Atlaquauiti, el segundo Huicto, el tercero Opochtli, el quarto Atlacol. Estos quatro señores se dividieron y apartaron de los demas y se fuéron á vivir á este lugar del Tlatilulco, y segun opinion tenidos por hombres inquietos y rezeosos y de malas intenciones, porque desde el dia que alli se pasaron nunca tuvieron paz ni se llevaron bien con sus hermanos los mexicanos; la qual inquietud a ido de mano en mano hasta el dia de hoy, pues siempre a auido y ay bandos y rancor entre los unos y los otros." *Acosta* (Lib. VII, cap. VIII, p. 468), and *Herrera* (Dec. III, lib. II, cap. XII, p. 62), both are but concise repetitions of the above. *Torquemada* (Lib. III, cap. XXIV, pp. 294 and 295), opposes both Acosta and Herrera, as well as the "*Codex Ramirez*," and substitutes a story about voluntary settlement of the Tlatilulca on a sandy patch near by, but apart from the others, in consequence of the old grudge or feud already mentioned. There is but little difference between this version and the preceding, the act of secession, in both, being voluntary. One singular fact is mentioned by *Vetancurt* (Part II, trat. I, cap. XI, p. 269), namely: that the Tlatilulca made a market-place for *both* parties. Otherwise (p. 257), he concurs with Torquemada. *Granados y Galvez* (Tarde 6a, p. 174), after saying that both "eran deudos y parientes unos con otros" adds "whether this division proceeded from past quarrels, or out of the incommodities which they suffered among canes and reeds; it is certain that they divided peaceably . . ." *Veytia* (Lib. II, cap. XV, pp. 133 and 142), reporting on all the various traditions about the foundation of Tlatilulco, comes to the conclusion that the "nobles" retired to Tlatilulco, whereas the "common people" remained at Mexico. *Clavigero* (Lib. II, cap. XV, p. 178), agrees with Veytia in regard to the real import of the fables told concerning the ancient feuds among the migratory band, but (Cap. XVII, pp. 187 and 188), he accepts the version that these old dissensions were the causes of the final division.

I have not been able, yet, to find whether the seceding Tlatilulca formed one kin, or one brotherhood of kins, or whether they were discontented fractions of kins removing. Had Vetancurt given us the names of the "barrios" of Tlatilulco, we might possibly infer something from them. As it is, the fact of the four "principals" mentioned by Durán, seems to indicate four kins, or rather (perhaps) fractions from four kins, whom want of space probably caused to remove. They may have been crowded out, and in course of time the feeling of jealousy and rivalry sprung up of which the authorities speak both freely and frequently. See *Veytia* (Lib. II, cap. XV, p. 135).

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settlement is not stated, but while some sources mention *twenty* chiefs as composing the original council of the tribe, others speak of but *ten leaders*. This might, according to the view taken, indicate in both instances *ten* kins, or *twenty* in the former and *ten* in the latter. At any rate the number is larger than that originally composing the tribe, thus showing that the segmentation so characteristic of tribal society according to Mr. Morgan, had already begun. Of the government of the tribe Clavigero says: "The whole nation was under a senate or college of the most prominent men."[45] No mention is made anywhere of a head-war-chief

[45] *Clavigero* (Lib. III, cap. I, p. 190). *Torquemada* (Lib. II, cap. XII, p. 94. Lib. III, cap. XXII. pp. 288, 290, and 291). *Durán* (Cap. VI, p. 47).

It is difficult to ascertain the actual number of kins composing the Mexican tribe at at that time. The number of chiefs and their names are variously stated. *Durán* (Cap. VI, p. 47), mentions six chiefs and four priests. *Mendieta* (Lib. II, cap. XXXIV, p. 148), mentions ten chiefs. The "*Codex Mendoza*" also says ten chiefs (Tab. I, Vol. I, Kingsborough). *Clavigero* (Lib. III, cap. I, p, 190. note r). mentions twenty. It is interesting to compare the names, also those of the twenty leaders of *Torquemada* (Lib II, cap, III, p. 85), with those of the twenty "barrios" of Vetancurt.

| *Durán.* | *Mendieta.* | *Torquemada.* | *Clavigero.* | *"Barrios" of Vetancurt.* |
|---|---|---|---|---|
| *Acacitli,* | *Acacitli,* | *Acacitli,* | *Acacitli,* | Tzapotla, |
| *Tenoch,* | *Tenuch.* | *Tenoca,* | *Tenoch,* | Huehuecalco, |
| Mexi. | Tecineutl, | *Nanacatzin,* | *Nanacatzin,* | Tecpancaltitlan, |
| *Ahuexotl,* | *Auexotl.* | *Ahuexotl,* | *Ahuexotl,* | Cihuateocaltitlan, |
| *Ocelopan,* | *Ocelopan.* | *Ocelopan.* | *Ocelopan.* | Yopico, |
| *Teçacatetl,* | Quahpan. | *Teçacatetl,* | *Tezcatl,* | Teocaltitlan, |
| Quauhtloquetzqui, | *Xomimitl.* | *Xomimitl,* | *xomimitl,* | Tlaxilpan, |
| Ococal, | Xocoyal. | *Quentzin,* | *Quentzin,* | Tequicaltitlan, |
| Chachalaitl, | *Xiuhcoqui.* | *Xiuhcoc,* | *Xiuhcoc,* | Atlampa, |
| *Axoloua.* | Atototl. | *Axolohua,* | *Axolohua,* | Tlacacomoco, |
| | | Tlalala, | Tlalala. | Amanalco, |
| | | Tzontliyayauh, | Tzontligaguti, | Tepetitlan, |
| | | Tuzpan, | Tochpan, | Atizapan, |
| | | Tetepan, | Tetepan, | Xihuitengo, |
| | | Cozca, | Cozcati, | Tequixquipan, |
| | | Ahatl, | Atzin. | Mecaltitlan, |
| | | Achitomecatl, | Achitomecatl, | Xoloco, |
| | | Acohuatl, | Acohatl, | Chichimecapan, |
| | | Mimich, | Mimich, | Copolco, |
| | | *Tezca.* | *Tezcatl.* | *Tezcatzonco.* |

I have italicized such names as are alike. We see that of the ten chiefs named by Durán and Mendieta, six are also named by the two other authorities. As might be expected, there is hardly any concordance between these names of chiefs and those of the Mexican "barrios."

If it were known to us whether, in this case, each "chief" represented a kin only, or whether Durán, Tezozomoc, and Mendieta alone indicated the true number, we could or might, of course, determine the number of the calpulli. That the chief is used to denote his kinship in the old authors is distinctly stated by *Durán* (Cap. XXVII, p. 224). This chapter relates the mission of sixty "wizards" ("brujos"-"hechiceros,") sent by the chief "Montezuma Ilhuicamina" (the first "stern or wrathy chief" of that name), to an old woman or goddess purported to be "Huitzilopochtli's" mother. Arrived before the old hag (as she is described), she inquires of them for her son and for

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as yet; this peculiarly military office was not yet established in permanence. However, there are indications that one executive chieftain for tribal affairs may, at least rudimentarily, have existed namely: the "Snake-woman" (cihuacohuatl). But the attributes of this office did not assign to it any marked prominence.[46]

The position of the Mexican tribe, about the middle of the fourteenth century, was still a very precarious one. With barely sufficient sod to dwell upon, blockaded, so to say, by powerful tribes along the lake shore; with the independent cluster of Tlatilulco, jealous and threatening, within an arrow-shot of its homes, it was forced into a peculiar attitude of military defence. The elements for a warlike organization were contained in the autonomous kins, which were grouped into the still larger cluster of the brotherhood, and all together composing the tribe. The leaders were found in the officers and chiefs of the kins. But the state of insecurity then prevailing required an office whose incumbent should be in constant charge of the military affairs of the tribe. This was plainly within the scope of tribal society; such functions had already been exercised previously, in times of particular need. Now, under the pressure of circumstances, and with a permanent settlement, permanence of the charge became a necessity.[47]

the seven chiefs "which seven went for leaders of each quarter" (p. 222). The wizards reply (among other things): "Great and powerful Lady (?) we have neither seen, nor spoken to, the chiefs of the *calpules*." Judging from this, the original number of them was *ten*, and it is presumable that if such was the case they were the *war-chiefs*, whereas the others were more properly the administrative officers analogous to the "*sachems*" of the Iroquois. (Compare *Morgan*, "*Ancient Society*." Part II, cap. II, pp. 71, 72, and 73. Cap. IV, p. 114. Cap. V, pp. 129, 130, etc., etc., to 148). We shall have occasion to return to this again in a subsequent note.

"The office of "Cihuacohuatl" is very old. *Ixtlilxochitl* ("*Relaciones*" "*Segunda Relacion*," pp. 323 and 324), after speaking of the seven leaders of the Toltecs, mentions "Ziuhcoatl" tambien uno de los cinco capitanes inferiores" as discoverer of Jalisco. Confirmed (the last mention excepted) by *Torquemada* (Lib. I, cap. XIV, p. 37). *Veytia* (Lib. I, cap. XXII, p. 220). The "*Codex Mendoza*" (Plate II in Vol. I of Lord Kingsborough), represents the first regular head-war-chief of the Mexicans, "Handful of Reeds" (Acamapichtli) with a head and face of a woman and snake surmounting his own head or rather the forehead, whereas the "name" proper stands, as usual, behind the occiput. The expanatory note thereto (Vol. VI, p. 8), says: "The first figure probably denotes that Acamapichtli, before he was elected king, possessed the title of Cihuacohuotl, or supreme governor of the Mexicans; when Mexico afterwards became a Monarchy this title was retained."

"*Durán* (Cap. V, pp. 43 and 44). *Acosta* (Lib. III, cap. 8, p. 408). *Herrera* (Dec. III, lib. II, cap. XII, p. 62). *Torquemada* (Lib. II, cap. XIII, p. 95). "The cause of his election was the increase in numbers, and their being surrounded by enemies who made war upon them and damaged them." "La causa de su eleccion, fue, aver crecido en numero, y estár mui rodeados de Enemigos, que les hacian guerra, y afligian."

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tion here, because of its unveiling, so to say, the full organization of the ancient Mexicans as they preserved it until the time of their downfall. 174 631

Upon the occasion of the division of spoils gathered from the defeated Tecpanecas, and of the establishment of regular tribute, there appear the following war captains and leaders of the Mexicans, as representatives of the latter's organization. 174 642

The "chief of men."

Four captains of the four principal quarters of Mexico.

*Twenty* war-chiefs of as many kins composing the tribe.

One chief representing the element of worship, or "medicine."

The "Snake-woman."[54]

gard to the date of its occurrence, *Bancroft* (Vol. V, p. 305), says about, or immediately after, 1431, following Brasseur de Bourbourg, *Clavigero* (Lib. IV, cap. III, p. 251), 1426, *Ixtlilxochitl* ("*Hist. Chichimeca.*" Cap. XXXII, p. 217), also 1431, *Veytia* (Lib. III, cap. III, p. 165) 1431, The "*Codex Telleriano-Remensis*" (Kingsb., Vol. I, p. 7, and Vol. VI, p. 136), has it 7, "Tochtli" or 1404.

[54] *Durán* (Cap. XI, p. 96). Besides distributing land "juntamente con daros y repartiros las tierras que aveis ganado, para que tengais renta para el sustento de vuestros estados y personas segun el mérito dellas," he gave them "ditados" or titles "y (quiere) haceros señores de titulo" (the latter would be to make them noblemen). I must advert here that "ditado o titulo de honra" is expressed in the Mexican language by "tecuyotl" "tlatocazotl" "maniçotl" (*Molina*, "*Vocabulario*," Part I, p. 46). These words however mean but, respectively "chieftainship," "speakership," and "honor," (the latter see *Molina* II, p. 54), all of them terms which, as we shall hereafter see, apply to *personal merit*, and not to hereditary privilege among the Mexican aborigines. Durán then proceeds (p. 97) to give these titles as follows:— 565 618

| | | | | |
|---|---|---|---|---|
| "Primeramente á su general dió por ditado | | | | *Tlacochcalcatitecutli.* |
| A Veue Motençcuma, Tlacaelteltzin dió por ditado | | | | *Tlacatecatl.* |
| A Tlacaspan, | d. | p. | d. | *Ezuauacatl.* |
| A Cuatlecoatl, | d. | p. | d. | *Tlillancalqui.* |
| A Veueçacan, | d. | p. | d. | *Tezcacoacatl.* |
| A Aztacoatl, | d. | p. | d. | *Tocuilltecatl.* |
| A Canaltzin, | d. | p. | d. | *Acolnauacatl.* |
| A Tzonpantzin, | d. | p. | d. | *Hueitecutli.* |
| A Epcotinatzin, | d. | p. | d. | *Temillotzin.* |
| A Citlalcoatzin, | d. | p. | d. | *Tecpanecatl.* |
| A Tlaueloc, | d. | p. | d. | *Calmimelolcatl.* |
| A Ixcuetlatoc, | d. | p. | d. | *Mexicaltecutli.* |
| A Cuauhtzitzimitl, | d. | p. | d. | *Huitznauatl.* |
| A Xiconoc, | d. | p. | d. y renombre, | *Tepanocatitecutli.* |
| A Tlasolteotl, | d. | p. | d. | *Quetzaltocatl.* |
| A Axicyotzin, | d. | p. | d. | *Teuctlamacazqui.* |
| A Ixauatliloc, | d. | p. | d. | *Tlopaltecatl.* |
| A Mecantzin, | d. | p. | d. | *Cuauhyauacatl.* |
| A Tenamaztli, | d. | p. | d. | *Coatecatl.* |
| A Tzontemoc, | d. | p. | d. | *Pantecatl.* |
| A Tlacacochtoc, | d. | p. | d. | *Huecamecatl.* |

To these he adds (pp. 98 and 99), five more, namely: *Quauhnochtecutli, Cuauhquiauacatl, Topicatitecutli, Cvitznauhtl, and Itcotecatl.* The three last were from Culhuacan. Adding to this the "chief of men" himself, who was "Flint-Snake," or

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174
618 The existence of *twenty* autonomous consanguine groups is thus revealed, and we find them again at the time of the conquest,

565
618 "Obsidian-Snake" (*Itzcohuatl*), we have twenty-five chiefs in all. Now we cannot fail to notice:—

[70]

(1). "Itzcohuatl," the "chief of men" or head-war-chief.

(2). "Tlacochcalcatl," "Tlacatecatl," "Ezhuahuacatl," and "Cuanhnochtli," the four military leaders of the four great quarters ("phratries") of Tenuchtitlan. (See "*Art of War*," pp. 120, 121, and 123, also notes 97 to 101 inclusive.)

(3). "Tlillancalqui"—"Man of the black-house," a chief connected with "medicine" or worship, as I shall hereafter show. He was rather a counsellor or advisor, than a captain, as *Acosta* (Lib. VI, cap. XXV, p. 441), and *Herrera* (Dec. III, lib. II. cap. XIX, p. 75) positively state, whereas *Durán* (Cap. XI, p. 104) asserts the religious origin of his office.

(4). "Tlacaelel," who, as Durán and Tezozomoc both repeatedly and plainly assert, was the snake-woman or "Cihuacohuatl." In this instance, however, he is graced with the title of "man of the house of darts" ("Tlacochcalcatl"), and thus made one of the four leaders of the "phratries." This is an evident mistake, as the latter title belonged to Montezuma (the first, or "old one"). Compare *Torquemada* (Lib. II, cap. XXXVI, p. 140; cap. XLIII, p. 150, where he is called "captain-general"), *Vetancurt* (Part II, Trat. I, cap. XV, p. 293), also *Durán* (Lam. 6a, Parte Ia).

(5). Twenty war-chiefs, each one of whom commanded the warriors of one kin or calpulli, hence they were the military leaders of twenty Mexican kins. Besides the indications to that effect furnished by *Durán* (Cap. XXVII, p. 224), "á los señorés de los *calpules* no los vimos ni nos hablaron," said the sorcerers which had been sent to Huitzilopochtli's mother, after she had asked them about the chiefs or captains, seven in number, which had led the Mexicans originally, (see note 33). *Tezozomoc* ("Crónica," Cap. XV, pp. 24 and 25), while corroborating the statements of Durán (with the exception that he omits the chief "Mexicatlitecutli," and thus gives only twenty-seven chieftains), inserts the following explanation about these twenty (or twenty-one after Durán) captains: "After these four (the four first ones) go the Tiacanes, called valorous soldiers, surnamed captains." The "Tiacan" or "tiacauh," properly "teachcauhtin," *Elder brother*, was the military chief of each "barrio" or "calpulli," therefore of each *kin* ("*Art of War*," p. 119, notes 91, 92, and 93), consequently these twenty chieftains represent here as many consanguine relationships composing the tribe of the ancient Mexicans.

It will be noticed, however, that Durán has twenty-one chiefs, whereas we assume but twenty, according to Tezozomoc. The latter omits "Mexicatl-tecutli" and, perhaps properly too. This word signifies but "Mexican chief," in general, and cannot therefore well be the title of one particular leader. It recurs occasionally in the course of Mexican history. Still, this is only a suggestion on my part, for the matter is far from being proven. *Torquemada* (Lib. IV, cap. CII, p. 571) mentions "*Mexicatl-achcauhtli*" among the chiefs who went with Quauhtemotzin before Cortés on the day after the resistance of the Mexicans had ended. Again Tezozomoc mentions two chiefs of the same title "Cuauhquinuacatl," as also does Durán. Now this would be impossible, since Tezozomoc calls the second one of that name, a son of "Cuauhnochtli." It may be now that the latter author has omitted the "Mexicatl-tecutli," and that "Cuauhquinuacatl" is to be counted but once. It results from the statements of Vetancurt already alluded to, that there were twenty Mexican "calpulli," consequently there were but twenty leaders of kins. The analogy between these "barrios" and the chiefs of Durán and Tezozomoc is greatly increased by the fact that for the three chiefs of Culhuacan mentioned by the latter, we have also three barrios of "Otomites," therefore, in each case but seventeen original kins of Mexicans proper (*Vetancurt* "*Crónica*," Vol. III, p. 122).

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while their last vestiges were perpetuated until after 1690, when Fray Augustin de Vetancurt mentions four chief quarters with their original Indian names, comprising and subdivided into *twenty* "barrios." Now the Spanish word "Barrio" is equivalent to the Mexican term "calpulli." Both indicate the kin, localized and settled with the view to permanence.[55]

What is often conceived as the establishment of a vast feudal monarchy at the time just treated of, resolves itself therefore into two very plain features. One of these consists in the establishment of the confederacy, the other is but the appearance in broad daylight of the peculiar organization of aboriginal society among the Mexicans. Thus we have no sudden change of base, no revolution in the institutions of the tribe; the only progress achieved consisted in the extension of inter-tribal relations and in their assuming the shape of a military partnership.

The year 1473 witnessed another event which seemed to affect

All these titles were permanent, though not hereditary, as it is plainly seen in the case of the four leaders of the four "phratries" about which *Sahagun* says: (Lib. VIII, cap. XXX, p. 318) "The chief elected, forthwith they elected others four which were like senators that always had to be by his side . . . . (these four had different names in different places) . . . ." *Durán* (Cap. XI. p. 103). "To these four lords and titularies, after they were elected princes, they made them of the royal council, like presidents and members ("oydores") of the supreme council, without whose opinion nothing should be done. When the king died, his successor had to be taken from those, neither could any others but brothers or sons of kings be clothed with these dignities. Thus if one of these was elected, they put another in his place. We must know that they never put a son of him who had been elected ("King") or of the deceased, since, as it has been said, the sons never succeeded (in office) by inheritance, to the titles or lordships, but through election. Therefore, whether son, brother, or cousin, if elected by the king and those of his council, to that dignity, it was given to him,—it being sufficient his being of that lineage and near relative, and so the sons and brothers went on inheriting gradually, little by little . . . . and the title and lordship never went outside of that descendancy ("generation" also kin), being filled by election, little by little."

The other titles are frequently met with up to the time of the conquest, as a few instances will abundantly prove. Assuming, with the majority of authors, the date of 1431, for that of the formation of the confederacy, we meet, during the unlucky foray of the confederates against Michhuacan, about fifty years later, with the following war-chiefs of the Mexicans. Tezcacoatl, Huitznahuacatl, and Quetzaltocatl (*Tezozomoc*, Cap. LII, pp. 84 and 85), also Coatecatl (Cuauhtecatl). At the time of Cortés' first arrival off the coast (1518) we meet in the council of Mexico with Huitznahuacatl, Hueycamecatl (*Torquemada*, Lib. IV, cap. XIII, p. 379). Finally when, after the resistance of the Mexicans had ceased, Cortés assembled all the chiefs in his presence, we again meet with Huitznahuatl, Mexicatltecuhtli, Teuctlamacazqui (*Torquemada*, Lib. IV, cap. CII, p. 571). Evidence of this kind could be produced in profusion, but it would only increase unnecessarily the size of this annotation. Compare the titles of the Iroquois sachemships in *Morgan* ("*Ancient Society*," Part II, Cap. V, pp. 130 and 131).

[55] Compare note 33. Also *Molina* (Parte I, p. 18), and others.

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Still, this low condition did not remain forever. The Tlatilulca were in a measure "re-adopted" into the tribe. After this, they formed a fifth quarter, or "phratry," which Father Vetancurt (in 1690) mentions as containing six "parcialidades." But this rehabilitation never extinguished the fire of revenge kindled once among the Tlatilulca towards the Mexicans. The latter treated the former therefore, not as a tribe subject to tribute, but as a suspicious group, to which the rights and privileges resulting from consanguinity could not well be denied, but to which voice and vote in the leading councils should not be accorded. In this singular position, not strictly inferior, but evidently more "distant," we find the Tlatilulca at Mexico at the time of the conquest.[59]

or tribes, in which there were of both kinds, were those who divided themselves from the rest." (See note 44.) It is much to be regretted that the eminent Mexican scholar has not given us the names of these "Algunos escritores nacionales modernos."

[59] According to *Durán* (Cap. XXXIV, p. 271), they remained in a degraded condition for 160 days at least, or eight aboriginal months: "y que les turase esta penitencia y castigo hasta los ochenta dias del segundo tributo." But they were, according to him, relieved of it but conditionally: "y asi les quitauan aquellos entredichos que e contado, los quales, en faltándoles, eran tornados á poner." In order to comply with the demands of the Mexicans for slaves, the Tlatilulca were forced to carry arms again, so as to take part in the wars. *Tezozomoc* (Cap. XLVI, p. 75) confirms, but implies previously (p. 75) that the Tlatilulca were specially obligated to be the traders for Mexico: "y haveis de ser nuestros tratantos y mercadres en los tianguis de Huexotzinco, Tlaxcalan, Tlilinquitepec, Zacatlan, y Cholula." A similar punishment was meted out to them by "Stern chief" the younger (the last Montezuma), after an unsuccessful campaign against Huexotzinco, Cholula, and Atlixco. *Durán* (Cap. LIX, pp. 468, 469), *Tezozomoc* (Cap. XCVI, p. 170). It is, besides, positively asserted by the former (p. 271) that the "medicine lodge," or temple of Tlatilulco, was closed thereafter, abandoned and left to ruin and decay ("y asi dice la ystoria questuvo hasta entonces lleno de yerba y de vasura y caidas las paredes y dormitorios del"). It is, of course, confirmed by *Tezozomoc* (p. 75, cap. XLVI): "y asi fué que lo estuvo muchos anõs hasta la venida que hizo Don Fernando Cortés, Marquis del Valle, en esta nueva España, como adelante se dirá, á que me refiere." It is somewhat difficult to reconcile these statements with those of *Bernal Diez de Castillo* (Cap. XCII, pp. 88, 89, 90, 91, Vedia, Vol. II), and of *Sr. Icazbalceta* in *Cervantes-Salazar* ("*Tres Dialogos*," note 40 to 2d Dial., p. 201) to the effect that Cortes visited that temple of Tlatilulco and found "Stern chief" worshipping in it, and still more difficult is it to reconcile the relation of Bernal Diez with that of *Andrés de Tapia* ("*Relacion, etc., etc.*," pp. 582–586, Col. de Doc. II), who, as an eye-witness too, deserves similar credit.

Tlatilulco formed a quarter, a fifth great one, of Mexico at the time of the conquest. This is distinctly stated by *Motolinia* (*Historia, etc.*, Trat. III, cap. VII, pp. 180 and 181), *Torquemada* (Lib. II, cap. XI, p. 93) confirms Motolinia in general, (Lib. III, cap. XXIV, p. 295), *Mendieta* (Lib. III, cap. II, p. 182), "en el barrio llamado Tlatelulco;" (Lib. IV, cap. XV, p. 414), "y el barrio se dice Tlatelulco," adding (p. 418) "que son del mismo pueblo de Tlatelulco;" (Cap. XVII, p. 423), "El convento de Santiago de Tlatelulco que es como barrio de Mexico;" (Cap. XXVIII, p. 466), "pueblo de Tlatelulco;" (Id., p. 483, Cap. XXIX). That this fifth great quarter was again divided into six smaller ones, is proven by *Vetancurt* ("*Crónica*, etc.," pp. 207 and 212): "Tiene cuatro religiosos que con el ministro colado administran á más de mil quinientas personas en

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This incident in Mexican history does not exhibit any features different from those found at the basis of tribal society, and it is not until the first decade of the sixteenth century that we are referred to the period when aboriginal institutions of ancient Mexico emerged from their former condition into that of political society proper and exhibited the features of rule as despotic as any on the three eastern continents. Even Robertson has so far yielded to this preconceived idea as to write, "This appearance of inconsistency has arisen from inattention to the innovations of Montezuma upon the Mexican policy. His aspiring ambition subverted the original system of government, and introduced a pure despotism. He disregarded the ancient laws, violated the privileges held most sacred, and reduced his subjects of every order to the level of slaves."[60] In general, many deeds, creditable and disreputable, are charged to that ill-starred "chief of men" of the Mexican tribe, whose tragical death has furnished a welcome topic to the most brilliant writers. "Wrathy chief" (Motecuzumah or Montezuma) was however innocent of many or of the most, if

seis parcialidades, que cada cual tiene sus barrios." This is indefinite and vague, and we are still left in doubt as to whether there were only six or whether there were more. The words "each of which has its quarters" would indicate that each of these "parcialidades" was divided into smaller ones. Still, "parcialidad" and "barrio" are regarded as equivalent terms, and both signify *kins*. The history of the capture of the Mexican pueblo has, in some details of the siege, preserved to us the names of some aboriginal "barrios" of Tlatilulco. *Vetancurt* (Vol. II, Part. III, Trat. II, cap. VII, p. 194) mentions two of them: "Yocacolco" (with the ermita of Santa-Ana) and "Amazac" (ermita of Santa Lucia), the latter of which is again named (Cap. X, p. 206) by him, and by Torquemada also. *Torquemada* gives a number of names even: Nonohualco (Lib. IV, cap. XCIII, pp. 551, 552), Yacocalco (p. 552), Tlacuchcalco (p. 552), Amazac, Coyonacazco (p. 552). This gives the names of five barrios of Tlatilulco. If to this we add "el Barrio, que se llama Xocotitlan, que es agora San Francisco, que por otro nombre se llama Cihuatecpan," (p. 552), we would have the sixth quarter also.

That the administration of Tlatilulco remained separate from that of Tenuchtitlan is proven by the fact that Montezuma was assisted by twenty chiefs corresponding to the twenty kins of the *Tenuchca only*, and without representation for the Tlatilulca. See *Bernal Diez de Castillo* (Cap. XCV, p. 95, Vedia II). But the war-chief of Tlatilulco was present at the council. Thus "Itzquauhtin" is frequently mentioned as the companion of Montezuma. *Sahagun* (Lib. XII, cap. XVI, p. 24; cap. XVII, p. 25; cap. XXI, p. 28; cap. XXIII, p. 31). *Torquemada* (Lib. IV, cap. LXX, pp. 498, 499). *Vetancurt* (Vol. II, cap. XV, Parte III, p. 132). *Clavigero* (Vol. II, Lib. IX, cap. XIX, p. 153).

Of the hatred between Mexicans proper and Tlatilulca the last days of the siege of Mexico furnish numerous instances. Both *Torquemada* (Lib. IV, cap. XCII, p. 550) and *Vetancurt* (Parte III, cap. VI of 2d Trat., p. 193) mention the flight of the former into Tlatilulco as taking refuge among enemies. Finally the following passage is sufficiently plain: *Duràn* (Cap. XXXIV, p. 271), "E fué tanta la pertinacia de los Mexicanos, que hasta que los españoles vinieron à la tierra no les dejaron tornar á libertad ninguna, ni á tener templo particular."

[60] "*History of America*," (8th Edition, 1800, Vol. III, Book VII, p. 291).

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565 **After this review of the question of stratification, so to say, among the ancient Mexicans, it may appear strange on our part**

441 556 565 from *Tlatilulcan sources* ("Prologo," pp. 4 and 5, Vol. I). This diminishes necessarily in this instance, the value of his otherwise very full and highly important testimony.

The existence of such a body, powerful through wealth as well as through mental and intellectual faculties would, even as much as nobility, at once have destroyed the tribe as such, by breaking up the kins. The inconsistency of such a picture with the historical facts is glaring, and is shown even by the statements of modern writers. Compare for instance, Mr. H. H. Bancroft's statement of the condition of Tlatilulco after its capture by the Mexicans (Vol. V, p. 431), "heavy tributes were imposed, including many special taxes and menial duties of a humiliating nature" with his description of the state of its "merchant princes" (Vol. II, pp. 280 and 381). One fact is evident: if the traders formed occasionally, for certain purposes, clusters of their own, they selected their own leaders or directors and this was the case with trading expeditions as well as with feasts. See on feasts: *Sahagun*, Lib. IX, cap. III to XIV inclusive, Lib. I, cap. XIX, pp. 29 to 32. *Motolinia*, Trat. I, cap. VIII, p. 47. *Acosta*, Lib. V, cap. XXIX, p. 389, etc. *Torquemada*, Lib. VI, cap. XXVIII, pp. 57 and 58. Lib. XIV, cap. XXVII, pp. 586 and 587. *Clavigero*, Lib. VI, cap. VII, p. 309. Lib. VII, cap. XXXVIII, p. 536, etc., and others. But as to any separate, permanent government of their own, this rests exclusively upon the authority of Sahagun, whereas it is amply proven, on the other hand, that any crime committed in trade or barter, was summarily disposed of by the regular officers of the kin or tribe without regard to the traders or merchants. We shall furnish the evidence in regard to this point in another note.

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[68] That the "pochtecas" occupied but one calpulli, that of Pochtlan, is also disproved, and even by *Sahagun* himself (Lib. I, cap. XIX, p. 31). "En este calpulli donde se contaba el mercader." (Lib. IX, cap. III, p. 347): "respondiante los mercaderes principales de los barrios que son uno que se llama Pochtlan, otro Acachtlan, y otro Atlauhco como está en la letra"). (Cap. III, p. 349) "convidaban á solos los mercaderes de su barrio; pues el que habia de ir por capitan de la compañia de los que iban, no solamente convidaba á los de su barrio, sino tambien á los que habian de ir con él." Also by *Zurita* ("*Rapport*," etc., pp. 223 and 224).

Lastly the question of wealth amassed in such quantities as to become an influential power in the merchants' hands, is also summarily disposed of by *Sahagun*. However often he speaks of riches gathered by them, the following quotations show how it must be understood: (Lib. IX, cap. II, p. 338, Speech of one of the traders) "Cuando lleguemos á nuestro tierra, será tiempo de usar los barbotes de ambar, y las oregeras que se llaman quetzalcoyolnacohtli, y los aventaderos y ojeadores de moscas, las mantas ricas que hemos de traer, y los maxtles preciados, solo esto será nuestra paga, y la señal de nuestra valentia," (p. 341) "y que las otras preseas que les dió que arriba se dijéron, solo ellos las usasen en las grandes fiestas . . . ." It thus appears that hoarding of any actual wealth was not to be expected. The lack of currency alone made it almost impossible for want of space, and gold and silver being only used for ornamental purposes and as a part of "medicine," we should mistake in expecting anything like "treasures." Here, as anywhere else, the supply was regulated by the demand, and this demand was in turn created by the numbers of the population, and by the use made of the metal. Since the latter was used only in a few ways, this had its effect on the amount also. Another cause, which is not sufficiently estimated, is found in the fact that carriers had to be used for everything, including food. Now, even if thousands went along (of which there is hardly any proof), the load of each hardly exceeded sixty pounds: "y daban á cado uno de estos que tenian alquilados, para que llevasen acuestas la carga que tenian señalada, y de tal manera las comparaban que no eran muy pesadas" (Cap. III, p. 350, Lib. IX). *Don Antonio de Mendoza* ("*Avis sur les gratuations personnelles et les Tamemes*, 1er Recueil of Ternaux-Compans), says in 1550, "They must not carry any loads heavier than two arrobas," or about fifty pounds. *Bartolomé de las Casas* ("*Brevissima relacion de la destruycion de las Yndias*," Venetia, 1643, Italian and Spanish, p. 101), complains of three to four arobas or

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565 Besides, it is distinctly implied, if not stated,
[565] that for actions of merit such people might be re-adopted, and thus restored to their original rights. The anonymous conqueror asserts that the performer of any valorous deed was highly rewarded and made a chieftain, "even if he was the vilest slave."[91] But without such formal re-adoption, no outcast could emerge from his inferior and unprotected condition. The overwhelming majority of Mexico's aboriginal people, however, consisted of members of the twenty kins shown to have composed the tribe. These all enjoyed equal rights; consequently all had the same duty. Both right and obligation were governed by the organization of kinship. While it is impossible for us to follow here strictly the order of enumeration of these rights and obligations, established in the admirable researches of Mr. Morgan, we still can distinctly trace all of them in ancient Mexican society, operating with more or less unimpaired vitality.

●[618] *The kin claimed the right to name its members.*[92] A family name
553 was unknown to the ancient Mexicans,[93] and thus our assertion that the modern family was not yet established among them, acquires further support. Within a few days after the child's birth, its mother in presence of all the neighbors (consequently of the "calpulli" or kin) gave the child a name through the medium of the women assisting her delivery. This name, generally taken from that of the day of birth, had a superstitious bearing, and was to accompany the child during the period of its utter helplessness.[94] A second "naming" took place several

[91] "*Relatione di alcune Cose della Nuova Spagna*" (Col. de Doc., I, p. 371). *Torquemada* (Lib. XIV, cap. XVII, p. 586): "y Esclavos havia que regian, y mandaban la casa de su Señor, como hacen los Malordomos."

[92] *Morgan* ("*Ancient Society*," pp. 71 and 78).

[93] *Motolinia* (Trat. I, cap. V, p. 37): "Todos los Niños cuando nacian tomaban nombre del dia en que nacian." *Torquemada* (Lib. XIII, cap. XXII, pp. 454 and 455). The family name was introduced by the Spaniards, who gave other names at the time of baptism.

[94] *Motolinia* (Trat. I, cap. V, p. 37). *Sahagun* (Lib. IV, cap. I, pp. 283 and 284, in general the entire fourth Book, which gives a very full idea of all the superstitions connected with birthdays; more especially Cap. XXXV and XXXVI and Lib. VI, cap. XXXVII, pp. 217-231). All the children of the quarter were invited to the festival: "En este tiempo que estas cosas se hacian, juntabanse los mosuelos de todo aquel barrio, y acabadas todas estas ceremonias, entran en la casa del y toman la comida que alli les tenian aparejada. . . . . ." The naming took place in presence of "todos los parientes y parientos del niño, viejos y viejas" (p. 218). *Mendieta* (Lib. II, cap. XIX, p. 107): "Estos nombres tomaban de los Idolos ó de las fiestas que en aquellas signos caian, y á veces de aves y animales y de otras cosas insensatas, como se les antojaba." (Lib. XIII, cap. XXXV, p. 267). *Torquemada* (Lib. XIII, cap. XX, p. 450: "Luego hacian convocacion de todos los Deudos, y Parientes, de los Padres, y de todos los Amigos, y

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nite, owing, in part, to the treasure-seeking propensities of the Spanish immigrants as well as to the diligence of the clergy in obliterating all objects to which the aborigines attached superstitious notions.

For the same reason we refrain here from entering into a detailed account of the customs of worship. Still we feel obliged to state that the feature of "separate religious rites"[113] so characteristic of society based upon kin, is plainly visible among the ancient Mexicans. There are some very remarkable evidences of this, to which we must allude.

It has already been established at the outset, that each calpulli had "its particular god," which was worshipped, as a tutelar deity, within the territory of that calpulli. Consequently each kin had its particular medicine-lodge or temple.[114] Besides, the last one of the seventy-eight places into which Father Sahagun subdivides the great central "teo-calli" of the tribe, is described by him as follows:

"The seventy-eighth edifice was named *calpulli*, these were small buildings enclosing the inside of the square, these little houses they called *calpulli*, and there the principals and officials of the republic gathered, to do penance for four days preceding each festival occurring at twenty days interval. Their vigils thus lasted four days, during which time some of them ate at midnight and others at noon."[115]

This statement, which is confirmed (according to the learned Jesuit John Eusebius Nieremberg)[116] by the celebrated physician and naturalist Francisco Hernandez, is followed by another one, not less important, also of Sahagun:

"They offered up many things in the houses which they called "calpulli," which were like churches of the quarters, where those of the same gathered, as well for to sacrifice, as for other ceremonies they were wont to perform."[117]

Thus the right of the kin to "separate worship" appears not

[113] "*Ancient Society*" (p. 71).

[114] Besides the positive assertions of *Sahagun* (Lib. II, Appendix, p. 211. Lib. I, cap. XIX, p. 31): "se ponian en una de las casas de oracion que tenian en los barrios que ellos llamaban calpulli, que quiere decir iglesia del barrio ó parroquia" and (Lib. II, cap. XXXVII, etc.), we have also the testimony of *Durán* (Cap. V, pp. 43 and 46, and Cap. IX, pp. 79 and 80), and *Oviedo* (Lib. XXXIII, cap. X, p. 302).

[115] "*Historia general*," (Lib. II, Appendix, p. 211).

[116] "*Historia naturæ*," (Lib. VIII, cap. XXII, p. 146).

[117] "*Historia general*," (Lib. II, Appendix, p. 211. See note 114).

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618 346 only established within that kin's territory, but it is also recognized even at the central medicine-lodge of the tribe.

727 A further evidence of it is found in the manner of distribution of the captives, upon the return of a successful war-party. It is known that prisoners were always offered up to the idols. Such a person, therefore, as soon as secured, became an object of "medicine;" he was so to say a sacred object. Well treated as long as he was not needed for the slaughter-block, nothing could in the end save him from sacrifice. But this sacrifice itself was not made in behalf of his captor, but on behalf and for the *kin* to whom the captor belonged. Therefore upon arrival at the pueblo, the prisoners of war were turned over to the respective calpulli as their share thus furnishing another illustration of "Separate Rites of Worship" of the kins composing the ancient Mexicans.[118]

000 Having already discussed, in a former paper, the *tenure of Lands and customs of Inheritance*[119] we now pass on to one of the most essential features of tribal society, and one which involves some of the vital points of organization and customs.

618 681 *The kin was obligated to protect and defend the persons and property of its members, and to resent and punish any injury done to them, as if it were a crime committed against the kin itself.*[120]

The impression justly prevails, that the so-called "penal code" of the Mexicans was simple but severe, death being, in most instances, the punishment of offenders. This resulted, in a great measure, from the fact that any offence against an individual

[118] *Mendieta* (Lib. II, cap. XXVII, p. 122), rather contradicts himself when he says first: that the captive belonged to his captor, but at the same time, that this captor was even killed if he *gave* away his prisoner to another man. Second: that each one had to watch his own prisoners, and at the same time they were guarded in common, and at the risk of the "barrio" or kin, which was responsible for their safe keeping. *Torquemada* (Lib. XIV, cap. III, p. 540) copies this almost literally. Much more positive and clear is *Durán* (Cap. XIX, pp. 172 and 173): "mandó Tlacaellel repartir los cautivos, porque eran muchos, por todos los barrios y que cada barrio se encargase de guardar y sustentar tantos . . . . . Los mandones de los barrios repartieron los presos á cada barrio, á como les cauia." (Cap. XXI, p. 186): "Montecçuma los mandaua vestir y adereçar y llamauava á los Calpixques, que son los mandoncillos de los barrios, y entregauanlas, para que tuviesen cuidado dellos, diciendo que eran la merced del sol, Señor de la tierra, que los daua para el sacrificio." (Id., cap. XXII, p. 193. Cap. XXVIII, p. 237): "luego fueron repartidos entre los barrios y encomendados á los mandoncillos." (Cap. XLII, p. 343, etc.). *Tezcucmoc* ("*Cronica*," cap. XXIX, p. 45; XXXII, p. 51; XXXIII, p. 53; XXXVIII, p. 61; XLIX, p. 80, etc.), confirms Durán as might be expected.

[119] "*Tenure of Lands and Customs of Inheritance*," 11th *Report of Peabody Museum*, 1878.

[120] "*Ancient Society*," (pp. 76 and 77). Compare *H. Luden* ("*Geschichte des teutschen Volkes*," pp. 361 and 362), among the ancient Germans.

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became, according to rules of kinship, one against the social group to which he belonged. This presupposes again a general division of crimes into two classes, one of which includes such as were committed by members of the kin against other members thereof or against institutions of the same group to which they belonged. The other comprises offenses committed by inhabitants of one calpulli against those of another. It is only the first class which we take under consideration here, the second we reserve for our discussion of the mode of government. Crimes committed within the kin can be classified as against persons, against property, and against medicine.

The aborigines of Mexico are generally represented as being, in their every-day's intercourse, of a quiet, peaceable, inoffensive disposition, contrasting strongly with their savage ferocity in warfare. This was not however due to any innate gentleness and mildness of nature, but only to the peculiar restraint enforced upon them by the law of retaliation or revenge.[191] Brawls resulting in bodily injury were therefore of extremely rare occurrence, and then it was left to the parties to settle it among themselves. In such cases, as in the event of mutual jealousy, a challenge often passed between them, and this challenge brought about an encounter at *the next campaign* when, while the warriors were engaged with the enemies of the tribe, the contestants fought as if they had belonged to opposite camps, until one of them

[191] The character of the Mexican Aborigines is variously depicted by older writers. It appears as a mixture of childlike docility and fierce passions. *Cortés* ("*Carta Segunda*," p. 18. Vedia, Vol. I), speaks of them according to the reports of the Tlaxcaltecans. *Bernal Diez* ("*Historia* etc.," pp. 309 and 310. Cap. CCVIII. Vedia II), specially dwells on their vices and their cruelty, as evidenced in their sacrifices. "*El Conquistador Anónimo*" (Col. de Docum., I, pp. 371, 383, 387, and 397), places great stress on their ferocity, although he also says that they are very obedient. The missionaries generally exalt their good sides—their docility and faithfulness. Compare *Motolinia* (Trat. I, cap. XIV, pp. 76 and 77). The same (Trat. I, cap. II, pp. 22 and 23), mentions, however, their vices also, attributing nearly all of them (idolatry excepted), to their inclination towards intemperance. (Trat. II, cap. IV, p. 113): "Lo que de esta generacion se puede decir es, que son muy extranos de nuestra condicion . . . ." *Zurita* (p. 197—207), is very bitter against such as treat the Indians as barbarians. (Id., 42 and 45). *Mendieta* (Lib. III, cap. XLIII, p. 290), says that they were very willing to forgive and ask to be forgiven, the latter taking place, before going to confess themselves, sometimes before all the relationship and the neighbors: "suelen algunos juntar (al tiempo que se quieren confesar) toda su parentela y vecinos con quien communican, y pediries perdon en la manera dicha." Against this, it is reported by *Torquemada* (Lib. XIV, cap. I, p. 535), that "these people were naturally more vindictive, than all the rest of the world." Compare also the descriptions of the character of the Mexicans in *Clavigero* (Lib. I, cap. XV).

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697 be sacrificed forthwith.[149] The two former kinds of prisons were used for lighter degrees of offenders. At any rate they were but temporary places of detention, for any prisoner left there for any length of time invariably died of hunger, filth, and bad air. Permanent confinement simply meant death.[150]

618 The execution of all these penalties necessarily presupposed for the kin a regulated administration. It therefore leads us to the governmental machinery proper of the calpulli. The nature of this government is expressed by the following rule of kinship, already found in vigor among more northern Indians.

*The kin had the right to elect its officers, as well as the right to remove or depose them for misbehavior.*[151]

This at once establishes the calpulli, as we have already stated in several places, to be an autonomous body, enjoying self-government, consequently a DEMOCRATIC ORGANIZATION. The truth of this we intend to show by an investigation of the different offices to which the care of the kin's business was committed.

A *council*, consisting of a number of old men, formed the highest authority of the calpulli. How many they were is not stated, but it is probable that their number varied according to that of the members of the kin. Medicine-men may, also, have been members of this body, which held its meetings at intervals in the official house of the "quarter." It exercised criminal jurisdiction as well as civil, and attended to all grave questions affecting the kinship. It is also stated that, on certain occasions, a general meeting of all the members of the calpulli was convened.[152]

[149] No better illustration of the "Quauhcalli" can be found than that given by *H. H. Bancroft* ("Native Races," cap. XIV, p. 458. Volume II).

[150] The cruel and unwholesome nature of aboriginal places of detention previous to the conquest is amply stated. As it is very justly remarked by *Mr. Bancroft* (Vol. II, p. 453): "They had prisons, it is true, and very cruel ones, according to all accounts, but it appears that they were more for the purpose of confining prisoners previous to their trial, or between their condemnation and execution, than permanently, for punishment." To the authorities quoted by the celebrated Californian, I will add here in further support of his views (and mine), *Gomara* (Vedia I, p. 442): "Las cárceles eran bajas, húmedas y escuras, para que temiesen de entrar allí." *Velancurt* (Vol. I, Part II. Trat. II, cap. I, p. 370). *Tezozomoc* ("*Crónica*" cap. XCIX, p. 176): "mandóles llevar á la carcel á todos, que llamaban cuauhcalco, que era á manera de una caja, como cuando entapian ahora alguna persona, que les dan de cómer por onzas."

[151] "*Ancient Society*" (Part. II, chapter II, pp. 71, 72, and 73. Chap. VIII, p. 225, Cap. XI, pp. 285 and 297).

[152] It is singular that this council of the kin or "gens," while some parts of its functions are preserved in nearly every author, has as a body been so generally overlooked. *Zurita* (pp. 55 and 56) says: "the chief does nothing without consulting the other old men of the calpulli." Indirect evidence of it is given by *Sahagun* (Lib. II, cap.

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This council however, while it thus united both the highest administrative and judiciary powers, required other officers for 618

XXXVII, p. 185), in his description of the feast of the month "Izcalli." These "old men" reappear again in connection with celebrations affecting the calpulli, at least occasionally. This council however, still existed at a recent date (1871) among the natives of Guatemala. *Sr. D. Juan Gavarrete* of the City of Guatemala (La Nueva) writes to me under date of 14th March, 1879: "Cuando en el pueblo hay varias parcialidades ó calpules, . . . . . cada una de ellas tiene su calpul ó consejo de cierto número de Ancianos y estos reunidos eligen las Autoridades comunes del pueblo, nombrando tambien alcaldes subalternos para las diversas parcialidades." In his Introduction to the "*Real Ejecutoria*" (Col. de Doc. II, pp. XII and XIII), the late *Sr. José F. Ramirez* attributes the creation of an elective municipal council to an act of policy of the Spanish government. It is clear, however, from the authors of the XVIth century, especially from Zurita, that this "democratic element" ("el elemento democrático" as Sr. Ramirez calls it), was an *aboriginal* one. Therefore the council still subsisting in Guatemala is an original feature, with changes in names and functions, made to suit the laws of Spain. *Ramirez de Fuenleal* (Letter of 3d Nov., 1532. 1st Recueil, p. 349), mentions "other officers called *viejos* (old men)" in "each quarter or as they were now called, parishes." The following quotation from *Juan de Solorzano* ("*De Indiarum Jure*," Vol. II, lib. I. cap. XXIII, pp. 210, § 31), is of interest upon the question raised by Sr. Ramirez: "In Nova quoque Hispania, cum hae reductiones, quas ibi *Aggregationes* vocant, à praestanti illo, et prudenti Duce Ferdinando Cortesio stabilitae, et constitutae fuissent, et postea, temporum, et Hispanorum iniuriae, valde collapsae, ac subversae; alias deno fieri et factas instaurari curavit Excellentissimus ille, et Pijissimus Prorex Canes de Monte Regio, schedulis etiam, et provisionibus Regijs sibe ad hoc demandatis, morem gerere cupiens: in quibus tamen exequendis, magnae difficultates, et Indorum stragES expertae sunt, quia eorum aliqui voluntario suspendio vitam finire malnerunt, quam in designata sibi municipia reduci." This was published in 1629."

In all likelihood there was no regular time of meeting of these "old men." They met as emergency required, and as they were called together. There is even a trace of a general meeting of the inhabitants of a calpulli, in *Zurita* (p. 63): "Dans ces circonstances, les habitants du calpulli se réunissent pour traiter les intérets communs, et régler la répartition des impôts, etc." We thus witness in the calpulli the following methods of exercising authority: through the joint meeting of all its members for the discussion of matters affecting the whole community, through the "old men" controlling the regular business, and, through what the older authorities called "chiefs" or executive officers, of whom I shall treat hereafter. An important question remains to be examined here namely: whether the calpulli really had, as I have asserted, criminal jurisdiction over its members, or whether this pertained to higher officers or so-called "tribunals."

Against the assumption, that questions of life and death could be decided by the "quarters," "barrios," or "calpulli," there is we confess it, apparently weighty evidence. In order to examine this vital question critically, I am compelled to take each author by himself, comparing his various statements (if there are more than one) on the same subject with each other. I must premise, however, that neither *Cortés*, nor *Andrés de Tápia*, nor *Bernal Diez de Castillo* mentions having seen any one judged and condemned by the head-war-chief of the Mexican tribe. This, however, may be a simple omission on their part.

*Sahagun* (Lib. VIII, cap. XXV, p. 314): "y los casos muy dificultuosos y graves, llevábanlos al señor para que los sentenciase. Juntamente con trece principales muy calificados, que con el andaban, y residian. Estos tales eran los mayores jueces, que ellos llamaban tecutlatoque: estos escaminaban con grap diligencia las causas que iban á sus manos; y cuando quiera que esta audiencia que era la mayor, sentenciaba alguno á muerte, luego lo entregaban á los ejecutores de la justicia." Thus far the jurisdiction of the tribal officers only comes into play. But the same author also mentions the

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618 everyday business, who should at the same time be the executors of its decrees. Of these officers there were two, both strictly

power of certain officers of the kin to kill in punishment of certain crimes, (Lib. III, Appendix, cap. VI. p. 271). If a young man was caught drunk: "castigábanle dandole de palos hasta matarle, ò le daban garrote delante de todos réunidos." This being done in the case of a youth committed to the "telpuchcalli," it necessarily follows that the power to punish by death, was vested in the kin to which the particular "telpuchcalli" belonged.

*Zurita* (p. 101 and 106) intimates rather than asserts, that all grave matters, including life and death had to be submitted to the highest "court of appeals," "les douze juges d'appel" over which the king presided. But he does not state that this body had *exclusive* jurisdiction.

*Gomara* (Vedia I, p. 442, "*Conquista*") evidently mistakes in confounding the gatherers of tributes with judicial officers and says nothing in regard to criminal jurisdiction. His statements will be examined elsewhere.

*Mendieta* (Lib. II, cap. XXVIII, pp. 134–136) says that all the "Judges" remained in the official house of each tribe: "cada uno de ellos en su propio palacio tenia sus audiencias de oidores que determinaban las causas y negocios que se ofrecian, asi civiles como criminales, repartidos por sus salas, y de unas habia apelacion para otras." Further on he says that every eighty days "se sentenciaban todos los casos criminales, y duraba esta consulta diez ó doce dias." *Torquemada* (Lib. XI. cap. XXV, pp. 332 and 333) is remarkably indefinite on the point. To him, the tribal officers alone appear prominent in the case. (Cap. XXVI. pp. 334 and 335), however, wherein he fully treats of the judicial organization of *Tezcuco*, enables us to discern the separate jurisdiction of each calpulli. The textual rendering of the whole chapter would be too lengthy, and I must therefore confine myself to abstracts. He begins by saying that, while Tezcuco had fifteen "provinces" subject to it ("sujetas á su Señoria"), "not all of them had supreme Judges" ("pero no en todas havia Jueces de estos inmediatos, y Supremos"). Therefore it was ordained, "that there should be six courts ("audiencias"), like chancery-offices ("como chancillerias") in six particular pueblos, to which all the other said Provinces were reduced, and to them they applied from all over the kingdom." He further states that at each of these houses (which he subsequently calls "tecpans") were stored the "royal tributes:" "se recogian todos los Tributos Reales, por los mismos Jueces." Besides, there were "four Judges" at the "palace," and at each of these six "courts," two "Judges" and one "executive officer" (alguazil).

From further details given, it follows that these six "pueblos" were so near to the official house of the tribe, as to make it more than likely that they were the six *Calpulli* of Tezcuco, mentioned by *Ixtlilxochitl* (12th "*Relacion*" or "*Pintura de México*," Vol. IX of Kingsborough, p. 387) as having been established by "Fasting wolf" (Nezahualcoyotl), which story he repeats in the "*Histoire des Chichimèques*" (Cap. XXXVIII, pp. 263 and 264).

The description of Tezcuco by *Torquemada* (Lib. III, cap. XXVII, p. 304): "pero no se ha de entender, que toda esta Caçeria estaba recogida, y junta; porque aunque en su maior parte lo estaba, otra mucha estaba repartida, como en Familias, y Barrios; y de tal manera corria esta Poblacion, desde el corazon de ella (que era la Morada, y Palacios del Rei) que se iba dilatando, por tres ò quatro Leguas," shows that the calpulli of that ancient pueblo were scattered over a great expanse. At the close of the 17th century (1600, about) it is stated by *Velascurt* ("*Crónica de la Provincia del Santo Evangelio de México*," pp. 130 and 180), that, besides the "city," there were "29 pueblos de visita, en cinco parcialidades repartidos." All this corroborates our assumption: that the six "pueblos" of Torquemada were in fact but the six "barrios" or kins, each of which exercised, for itself and through its officers, *criminal jurisdiction over its members*.

There is no need of proving the fact that the several tribes of the valley had identical customs, and that their Institutions had reached about the same degree of development. It is even asserted by some (*Prescott*, Book I, cap. II, p. 30) that "in Tezcuco

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elective and therefore liable to be deposed, one of whom represented more properly the administrative, the other the executive (consequently military) authority. The first one of these was the "calpullec" or "chinancallec;"[153] the second, the "elder brother"

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the judicial arrangements were of a more refined character." If now, as I have shown, the council of the Kin exercised power over life and death among them, it certainly had the same power among the ancient Mexicans. Besides, the same thing is inferable from the nature of many of the crimes punished by death. Conspicuous among these are the cases wherein tenure of lands became affected. If a member of the kin changed the limits of a "tlalmilli," it was a crime over which the calpulli alone had jurisdiction, and the same occurred if any one member neglected to attend to the lots of children placed in his care. We have seen that in both instances the penalty was death.

It is of course understood, that this power did not go beyond the limits of the kin and of such outcasts as were attached to its members. Over members of other kins it had no jurisdiction. The adjustment of matters between kin and kin became exclusively the duty of the tribe.

One of the most characteristic remarks, however, on the general functions of the kin is that of *Zurita* ("*Rapport*," etc., p. 53): "Finally, what is called in New Spain Calpulli, answers to what among the Israelites was called a tribe."

[153] *Zurita* ("*Rapport*," p. 50): "The chiefs of the third classes are still called Calpullec in the singular, and in the plural Chinancallec, that is to say: chiefs of very ancient race or family, from the word Calpulli or Chinancalli, which is the same, and signifies a quarter (*barrio*) inhabited by a family, known as of very ancient origin, which for a long time owns a territory with well defined boundaries and all the members of the same lineage." This statement is copied by *Herrera* (Dec. III, lib. IV, cap. XV, p. 135), with the exception that he omits the names, substituting that of "pariente mayor." In regard to this it is added by *Zurita* (pp. 60 and 61): "The calpullis have always a chief necessarily in the tribe. He must be one of the principal inhabitants, an able subject who can assist and defend them. The election is made among them. They are much attached to him, as the inhabitants of Biscay and of the mountains are to him who is called *pariente mayor*. The office of these chiefs is not hereditary: whenever one dies they elect in his place the most respected, the ablest and wisest old man. If the deceased has left a son who is qualified, he is chosen, and a relative of the former chief is always preferred." *Herrera* (Id. p. 135).

Although the above two authors speak but indefinitely of the "chief" of the calpulli, it is likely that they mean *two* chiefs, one of which is the calpullec, and the other the teachcauhtin. This is indicated by the name of "pariente mayor." Zurita does not say, according to Mr. Ternaux's translation, that this chief was thus called, but Herrera, who copies him, writes very distinctly: "que *llamaban* parientes maiores." Now, according to *Molina* (II, p. 91), "teachcauhtin" signifies elder brother. *Torquemada* (Lib. XIV, cap. VI, p. 544) gives to each "barrio ó parcialidad" two officers, namely, a calpixqui or gatherer of tribute or stores, and a "regidor, un Tecuhtli, que se ocupaba en executar lo que mustros Regidores executan, y hacen." But it is plainly evident, from the details given by the celebrated Franciscan, that he has lost sight of the peculiar position of officers of a *kin*, and looks to *tribal* functions and offices. Else, how could he assert of his "Regidor" that he was always in the "palace:" "y todos los Dias se hallaban en el Palacio, á ver lo que se les ordenaba, y mandaba; y ellos, en una grande Sala, que llaman Calpulli, se juntaban, y trataban de los negocios tocantes á su cargo."

"*De l'ordre de succession observé par les Indiens*" ("1st Recueil" of Ternaux, p. 225): "quant au mode adopté pour régler la juridiction et l'élection des alcades et des régidors des villages; ils nommaient des personnes notables qui portaient le titre de *achcacautlin* qui est un nom de charge, comme l'est aujourd'hui celui d'alguazil. Les tribunaux de ces officiers étaient établis dans la capitale." . . . "Il n'y avait pas d'autres élections d'officiers." And further on the same document says (p. 227): "Ces achcacau-

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618 "teachcauhtin" or "achcacauhtin."[154] Both were, in turn, ex-officio members of the council itself.[155] The "calpullec" or "chinancallec" was, in fact, what is still known among Indian communities of Mexico, Central America and New Mexico, as the "governor;" or rather his office was, for the *kin*, what the office of "gobernador" now is for the whole *tribe*.[156] Upon his

litis, c'est ainsi qu'on les nommait, remplissaient les fonctions d'alcade. Pour le moindre petit vol, c'est á dire pour avoir dérobé seulement du mais, ils condamnaient á la potence." The singular feature is here asserted to exist, that the same officer should have been Judge ("alcalde") and executioner of his own decrees ("alguazil"). We meet also with the flagrant contradiction of "alguazils," elected for the villages, but whose courts resided "at the capital." Everywhere the same lack of distinctness is witnessed; the confusion between aboriginal institutions and Spanish organization is apparent.

*Sebastian Ramirez de Fuenleal* ("Lettre," 3 Nov., 1532, p. 247) gives quite a clear picture of the "calpulli," adding: "Ces contribuables ont un chef et des commandants"; (p. 249): "Ils ont parmi eux des officiers que nous appelons principales (chefs); *il y en a deux dans chaque quartier qui portent aujourd'hui le nom de paroisses.*"

Finally, I refer to what has been said in the preceding note (152) about Tezcuco and the two officers of each so-called "pueblo." The fact that there were two of them is thus fully established, likewise that of their election; and as for their titles, they are found in the quotations just referred to and copied.

It is further confirmed through a statement of *Vetancurt* ("*Teatro Mexicano*," Vol. I, p. 371): "en cada parcialidad, que llamaban calpulli y ahora tlaxilacalli; habia uno como regidor que llamaban teuhtli: estos asistian á palacio todos los dias á saber lo que el mayordomo les ordenaba; éstos entre si elegian cada año dos en lugar de alcaldes, que llamaban tlayacanque y tequitlatoque, que ejecutaban lo que por los teuhtles se les mandaba; y para ejecutores tenian unos alguaciles que hoy llaman topile."

The term "tlayacanqui" is defined by *Sahagun* (Lib. II, cap. XXIX, p. 162) as "cuadrillero." *Molina* (II, p. 120) has "tlayacantli," "el que es regido, guiado, y gouernado de otro, o el ciego que es adiestrado de alguno" ("Tlayacati," "cosa primera, o delantera"). *Torquemada* (Lib. XIV, cap. VI, p. 545) calls the Tlayacanque "en lugar de merinos."

[154] *Molina* (I, p. 56).

[155] This results necessarily from the duties of the officers alone, as permanent representatives of the council of the kin or calpulli.

[156] The "Gobernador," as we shall hereafter see, was the successor to the "Cihuacohuatl," according to the Spaniard's notion of the nature of the latter's office. It is very interesting to notice that the "Cihuacohuatl" was, in the tribal government, the exact counterpart of the "Calpullec" in the kin. I am indebted to *Sr. Don Juan Gavarrete*, of the City of Guatemala (la Nueva), for the following description of the office of "Gobernador," as it is still found among the aboriginal settlements of Guatemala. This gentleman, (whose name is associated with that of my friend Dr. Valentini, in a noble effort to preserve the historical treasures of his country), writes to me under date of 14th of March, 1879: "Los pueblos formados por la antiguos misioneros ó por los conquistadores, y que son los que subsisten hasta el dia de hoy, han sido siempre gobernados por un *Gobernador* vitalicio elegido entre las familias nobles de la tribu (*cacíque*), y un consejo á la usanza española compuesto de dos Alcaldes, cierto número de consejeros llamados Regidores entre quienes se distribuyen las comisiones de servici público y un secretario.

"La dignidad ó cargo de Gobernador, para la cual elegian en nombre del Rey los antiguos Capitanes Generales y despues los Presidentes de la República, es muy apetecida por los indios nobles y mientras el que la egerce no dá motivo por su mala conducta para ser removido puede contar con la perpetuidad y aun con dejarla á sus hijos

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death "they elected, to fill his place, the most respected old man, the most able and most popular." It appears though that the choice often fell upon a son or near relative of the deceased, provided he evinced sufficient ability.[157] 618

It was the duty of this officer to preserve a plat of the territory dwelt upon by the kin, showing the location of each "tlalmilli," of the official tracts, of those of the "houses of the youth" and of worship; if the latter two were not, as we suspect, perhaps identical. These simple records he had to renew from time to time, according as mutations or additions occurred. The *stores* of the kin were under his supervision, though he could not dispose of them at his pleasure, but only for public purposes. Thus, aside from the presents, which always had to go with any public act of importance, it was his duty to provide, out of these stores, for everything requisite for the numerous religious and other festivities.[158] He had, under his immediate orders, the "stewards," "calpixqui," which attended to the details connected with the gathering, housing, and dispensing of all supplies.[159] It is prob-

si los tiene capaces de egercerla . . . . . El cargo de Gobernador traia consigo los priviligos de usar *Dos*, montar á caballo, . . . . . usar baston y tener una numerosa servidumbre, no tenian jurisdiccion civil, pues esta competia á los Alcaldes, pero si la tenian en lo criminal en los délitos leves, siendo su poder principal sobre lo econórmigo y gubernativo."

[157] *Zurita* ("*Rapport*," etc., pp. 60 and 61).

[158] *Zurita* ("*Rapport*," etc., pp. 51 to 66). Copied in a condensed form by *Herrera* (Dec. III, Lib. IV, cap. XV, p. 134).

[159] The term "calpixqui," gatherer of crops, is so indiscriminately applied that it becomes necessary to investigate what class of officers were really meant by it. In general the "calpixca" were sent to subjected tribes, as representatives of their conquerors. For each such officer abroad there was one in the pueblo of Mexico, to receive and to house the tribute which the former collected and sent. The calpulli or kins, however, needed no officer of the same kind properly, because they owed no tribute to the tribe. The assertion of *Torquemada* (Lib. XIV, cap. VI, p. 545): "que el Maiordomo maior del Rei, se llamaba Huaycalpixqui, á diferencia de otros muchos, que havia, que se llamaban Menores; porque tenia cada parcialidad el suio," applies in this case to the tax-collectors and stewards themselves, and not to the stewards of the kins. The confused notions about the true nature of the office is also shown in the name of the official house. It is called by Torquemada alternately "tecpan," "calpul," finally also "calpixca, que era la casa del comun del Pueblo," (Lib. XIV, cap. I, p. 531). In confirmation of what has already been said in "*Tenure of Lands*" (pp. 413–428), I here refer to *Zurita* (pp. 236–242), "*De l'Ordre de succesion*" (p. 239), *Motolinia et d'Olarte* ("*Lettre*," 27 Aug., 1554, pp. 403–406). We must never forget that tribute or tax was only due from a *conquered tribe* to its *conquerors*. No reference is made anywhere to tribute or tax gathered *inside* the pueblo of México, but Tlatilulco, however, was obliged to pay a certain contribution (*Durán*, Cap. XXXIV, p. 270).

Nevertheless, the term "calpixqui" is found applied very distinctly to an office of the kin. *Durán* (Cap. XXI, p. 186) calls them "mandoncillos de los barrios." With equal propriety the calpixca are termed "governors" and "captains." It only proves that, while each kin had its stewards, they were under the direction of a "mandon,"

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●618 able that he himself, appointed the stewards subject to approval by the council.[160] Aside from these subalterns, the "calpullec" had his runners and attendants, mostly members of the household, perhaps "bonded" people. His judicial power was limited to minor cases, and it is more than doubtful if he held, alone, any authority to decide upon matters of life and death. But it is stated on high authority, that it was the duty of this officer, "to defend the members of a calpulli, and to speak for them."[161] We may be permitted to inquire, whether this, perhaps indicated, that the "calpullec" was also the "tlatoani" or speaker, who represented the kin in the tribe's supreme council. This must, however, be answered in the negative, for the obvious reason that he could not be in two places at the same time. The kin's official building was assigned to him as a residence, that he might be there on duty *always*, consequently he could not spend his time outside of it at the official house of the tribe.[162] Alongside of this officer (who corresponds almost to the "Sachem" of north-eastern tribes), we find the "elder brother"—"teachcauhtin," "achcacauhtin," or through corruption, "tiacauh." He was, as already stated, the kin's military commander or war-captain, and the youth's instructor in warlike exercises; but besides he was also the executor of justice—not the police magistrate, but the chief of police (to use a modern term of comparison) or rather "sheriff" of the calpulli.[163] As military commander he could

or superior officer. This could only be the "calpullec," since it is positively stated by *Zurita* (p. 62): "car lors des assemblées annuelles, qui sont très nombreuses, il distribue gratuitement des vivres et des boissons." This had to be done out of the stores of the kin.

The term "tequitlato" is probably equivalent to "calpullec." It is derived from "ni-tequiti," to work or pay tribute (*Molina*, II, p. 105), and "ni-tlatoa," to speak (Id., II, p. 140); therefore "tributary speaker," or "speaker of tribute." But this is only used in the case of subjected tribes, where the "calpullec" was the one who cared for the tribute due by his kin, even collecting it. See *Fray Domingo de la Anunciacion* ("*Lettre*," Chalco 20 Sept., 1554, in 2d *Recueil*, p. 340), "les tequitlatos ou percepteurs." *Sahagun* (Lib. VIII, cap. XXXVIII, pp. 328-333) devotes a whole chapter to "De los grados por donde subian hasta hacerse Tequitlatos," without saying, however, what the latter means. I suspect it to be intended for "Tecuhtlatoques."

[160] This may be inferred from the nature of the office.

[161] *Zurita* ("*Rapport*," etc., p. 62): "Il a soin de défendre les membres du calpulli, de parler pour eux devant la justice et les gouverneurs."

[162] "*Tenure of Lands*" (p. 410 and note 92). *Zurita* (p. 206).

[163] It has already been shown that "achcauhtli," "achcacauhtli," and "teachcauhtin" or "tiacauh" are synonyms. I refer to "*Art of War*" (p. 119 and note 91) in regard to the various and contradictory notions about the nature of the office. Still, the prevailing idea is that, besides being the "teachers" and the "captains," they also were the "executioners" of the kin. "*De l'ordre de succession*" (p. 225): "Ils nommaient des

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appoint his subalterns in the field, and as executor of justice he had the same privilege while at the pueblo. The "teachcauhtin," therefore selected his own assistants and runners. Accompanied by them and carrying his staff of office, whose tuft of white feathers intimated that his coming might threaten death,[164] the "elder brother" circulated through his calpulli, preserving order and quietness in every public place thereof. If he found or heard of any one committing a nuisance or crime, he could seize him forthwith and have him carried to the official house, there to be disposed of as the custom and law of the kin required. But it is doubtful whether, except in extraordinary instances, he was authorized to do justice himself without the council's knowledge and consent.[165]

Ere we pass over now from the functions of the kin to those of the ancient Mexican tribe, we must however dwell at some length on a peculiar institution, yet shared by the Mexicans in common with Indian tribes in general. We refer to the rank and dignity of CHIEF among them. Chieftaincy and office are far from being equivalent. The former is a purely personal, non-hereditary distinction, bestowed in reward of merit only, whereas the latter is a part of the governmental machinery.[166] Hence it follows that a chief might fill an office or not, and still remain a chief, whereas

personnes notables qui portaient le titre de achcacaulitin qui est un nom de charge, comme l'est aujourd'hui celui d'alguazils." *Sahagun* (Lib. VIII, cap. XVII, p. 306) calls the Achcacauhtli "(6 verdugos) que tenian cargo de matar á los que condenaba el señor." *Torquemada* (Lib. XI, cap. XXVI, p. 355), "llamabanse Achcauhtli, que quiere decir maiores." There is hardly any doubt as to their functions.

[164] White was the color of death. (Bleaching skulls and bones!) This is amply proven by their mode of declaring, or rather announcing, war. The custom of carrying "staffs of office" is well established.

[165] *Torquemada* (Lib. XI. cap. XXVI, p. 355). *Clavigero* (Lib. VII, cap. XVI. p. 482) calls those "who arrested" delinquents "topilli." But this word means simply "rod, or baton of justice, staff, etc." (*Molina*, II, p. 150), and not office. There is no evidence that these officers might kill, without previous decision of the council, except perhaps in the great market place. *Cortés* ("*Carta Segunda*," Vedia I, p. 82): "Hay en la dicha plaza otras personas que andan continuo entre la gente mirando lo que se vende y las medidas con que miden lo que venden, y se ha visto quebrar alguna que estaba falsa." *Oviedo* (Lib. XXXIII, cap. X, p. 301) copies Cortés, adding, however, "é quiebran lo que está falso, é penan al que usaba dello." *Bernal Diaz de Castillo* (Cap. XCII, p. 89) simply remarks: "y otros como alguaziles ejecutores que miraban las mercaderias," (Vedia, Vol. II). I hardly need any reference in regard to the manner of acting and mode of appearance of the "elder brothers." Their functions of "police" are repeatedly described in the older sources.

[166] *L. H. Morgan* ("*Ancient Society*," p. 71): "Nearly all the American Indian tribes had two grades of chiefs, who may be distinguished as sachems and common chiefs. Of these two primary grades all other grades were varieties. . . . The office of sachem was hereditary in the gens, in the sense that it was filled as often as a vacancy occurred; while the office of chief was non-hereditary, because it was bestowed in reward of per-

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618 It was not necessary to become a chief in order to fill certain offices. Still it is evident that, as chiefs were always men of peculiar ability, the higher charges were generally filled by chieftains.

618 554 555 The title and rank of "grandfather" ("Tecuhtli,")[167] which was the Mexican term for chieftain in general, was open to any one who strove to deserve it. It was conferred:

1. In recompense for warlike prowess, and actions of personal intrepidity and superior shrewdness. Courage alone could not secure it; therefore the "distinguished braves" were not always chiefs.[168]

2. In reward for actions denoting particular wisdom and sagacity, and in acknowledgement of services in the councils, or as traders.[169]

sonal merit, and died with the individual." I have selected the term "*officer*" as a substitute for Mr. Morgan's "sachem," because the latter is a northern Indian word, whereas the former, while it expresses the nature of the charge and dignity, is more widely known, and therefore better understood. It is out of the union of the attributes, of both officer and chief, that nobility and monarchy have been claimed to exist. Among the Mexicans, in fact among the most highly advanced Indian tribes (the Inca of Peru not excluded), the dignity of chief was still a personal matter, and not necessarily connected with office. The chiefs are the "knights" mentioned by *Garcilasso de la Vega* ("*Histoire des Yncas*," Lib. VI, cap. XXIV, XXV, XXVI) and *Herrera* (Dec. V, Lib. IV, cap. VII, p. 83; Lib. IV, cap. I, p. 83). With the Muyscas of Bogotá, compare *H. Ternaux-Compans* ("*L'ancien Cundinamarca*." § XXVII, pp. 57 and 58). *Oviedo y Valdés* (Lib. XXVI, cap. XXXI. p. 410). *Herrera* (Dec. VI, Lib. V, cap. VI, pp 116 and 117). Compare also, in regard to the dignity of "military chief" among the wild tribes of the Rio Orinoco and of its tributaries, *P. José Gumilla* "*Histoire naturelle, civile, et géographique de l'Orénoque*," translated by Mr. Eidous, 1758, (Vol. II, chapter XXXV, pp. 200-208). Very important.

[167] *Molina* (II, p. 98), "abuelo," "tecul." It evidently should be "abuelo," and is therefore only a misprint. The older reports have the word "tecle," and only the later writers (those after the year 1580) begin to write it "tecutli," "tecuhtli," "tenctli." Whether the "teules" meant really "gods," or rather "tecuhtin," as plural of "tecutli," is yet doubtful. It is almost a truism to recall here the Roman "senex," and the German "grave" or "Graf." Among American tribes we have, in QQuiché, "aura." old, "ahau,"—chief; in Maya, "Hachyum,"—father, and "ahau,"—chief—also "achi,"—brave.

[168] *Sahagun* (Lib. VIII, cap. XXXVIII, pp. 329-333): "De Los grados por donde subian hasta hacerse Tequitlatos," especially (p. 331): "y á los que por si prendian cuatro cautivas, mandaba el rey que los cortasen los cabellos como á capitan, llamalbanle tal diciendo . . . . el capitan mexicati, ò el capitan tolnaoacati, á otros nombres que cuadraban á los capitanes. De alli adelante se podian sentar en los estrados que ellos usaban de petates é icpales en la sala donde se sentaban los otros capitanes y Valientes hombres, los cuales son primeros y principales en los asuntos, y tienen barbotes largos, orejeras de cuero, y borlas en las cabezas conque están compuestas;" *Zurita* ("*Rapport*," p. 47): "Les chefs qui, comme nous l'avons dit, se nommaient Tec Tecutacin, ou Teutley au pluriel, n'exerçaient le commandement qu'à vie, parce que les souverains suprêmes ne les élevaient à ces dignités qu'en récompense des exploits qu'ils avaient faits à la guerre, et des services rendus à l'état ou au prince"). *Mendieta* (Lib. II, cap. XXXVIII, p. 156). *Torquemada* (Lib. XI, cap. XXIX, p. 361). *Clavigero* (Lib. VII, cap. XIII, pp. 471 and 472), and others.

[169] *Zurita* ("*Rapport*," p. 47). *Sahagun* (Lib. IX, cap. II, p, 342): "Estos merecaderes

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In both the above instances (or kinds of instances) actions of particular merit facilitated, at least, the acquisition of the title; but it could, also, be obtained:—

3. By the observance of rigorous and even cruel rites of "medicine" for a stated time, which put the courage, fortitude, and self-control of the candidate to the severest tests.[179] Although a detailed account of these rites might perhaps be withheld for a subsequent sketch of ancient Mexican worship, yet they equally deserve a place here.

The candidate appears to have been presented at the great central place of worship by the representatives of his kin, perhaps, also, by the other chiefs of his tribe. There he underwent four days and four nights of the most cruel torments. While but little nourishment was allowed him (some went even so far as not to eat anything at all during this time), his blood was drawn freely, and no sleep was permitted to settle on his weary eyes. From time to time he was exposed to taunts, to injurious words, to blows and even to stripes. While he was thus hungry and thirsty, weakened from loss of blood through self-sacrifice, others ate and drank plentifully before his eyes. Finally, his clothes were torn from his body, and with nothing on but the breech-cloth or diaper, he was at last left alone at the "calmecac," there to do the rest of his penance. When these four initiatory days were past, the candidate went back to his calpulli, to spend the remainder of the time (about a full year), in retirement, and abstinence, frequently attended with more or less self-inflicted bodily suffering. When the kin had secured the necessary amount of articles to be offered up in worship, or given to the medicine-men, officers, chiefs, and guests attending the installation, this final solemnity was allowed to take place, provided always that the courage and personal strength of the novice had not forsaken him. Another period of fasting, sacrifice, and torture, similar to the one at the opening of the career of preparation, closed the probation. Some of the ordeals were again of the most trying nature. Finally the store of gifts was distributed; eating and drinking alternated with

eran ya como caballeros, y tenian divisas particulares por sus hazañas." . . . *Fray Alonso de Montufar* ("*Supplique*," etc., 20 Nov., 1554. "*Troisième relation d'Ixtlilxochitl*," Appendix, p. 257). "*Des Cérémonies observées autrefois par les Indiens lorsqu'ils faisaient un Tecle*." (1st "Recueil," p. 232). *Mendieta* (Lib. II, cap. XXXVIII, p. 156).

[179] *Gomara* ("*Conquista*," Vedia I, p. 425). "*Des Cérémonies observées*," etc. (pp. 232, etc.). *Mendieta* (p. 156). *Torquemada* (Lib. XI, cap. XXIX and XXX, etc.).

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555 785 618 solemn dances to the monotonous rythmic noise called Indian music. The candidate was, at last, once more dressed in becoming apparel, and could recuperate, being himself now the "feasted one."[171]

618 554 Men, however young in years, who had successfully endured such great trials, certainly deserved to be looked upon thereafter as persons of uncommon fortitude. Hence indeed the chiefs or "tecuhtli" were particularly fitted for responsible offices of any kind. They were looked upon with deference, their voice was heard and listened to, and it is no wonder if higher charges, especially those of a military nature, were filled by such as had, in one way or another, achieved this distinction.[172] But no privilege was connected with their dignity, except that of wearing certain peculiar ornaments, and none was transmitted through them to their descendants.[173] That the "tecuhtli," besides, did

[171] For the above description of the formalities of creating a "Tecuhtli," I refer to the sources quoted in the preceding three notes. It is interesting to compare similar ceremonies used by the Indians of the Orinoco, *Gumilla* ("*Histoire*," etc., Vol. II, cap. XXXV). Of the Yncas, *Garcilasso de la Vega* (Lib. VI, cap. XXIV to XXVI). *Cristoval de Molina* ("*An account of the Fables and Rites of the Yncas*," translated by C. R. Markham, in Hackluyt Society's Volume of 1873). "*Narratives of the Rites and Laws of the Yncas.*" *Herrera* (Dec. V, lib. III, cap. VII, p. 63, etc.). We are forcibly reminded of the words of the quaint old poet and soldier, *Alonzo de Erzcilla*.

"Los cargos de la Guerra, y prehominencia
No son por flacos medios proveidos,
Ni van por calidad, ni por herencia,
Ni por hacienda, i ser mejor nacidos;
Más la virtud del brazo, y la excelencia,
Esta hace á los hombres preferidos,
Esta ilustra, habilita, perficiona,
Y quilata el valor de la persona."

("*La Araucana*." Parte Ia, Canto Iº. Edition of 1733, p. 2).

[172] *Mendieta* (Lib. II, cap. XXXIX, p. 161: "Los que tenian el dictado de Tecutli, tenian muchas preeminencias, y entre ellas era que en los concilios y ayuntamientos sus votos eran principales." *Gomara* ("*Conquista*" Vedia I, p. 436). *Torquemada* (Lib. XI, cap. XXX, p. 366). It should always be remembered, that the dignity of Tecuhtli appears most prominent in Tlaxcallan. This people however, was but a league, very similar to that of the northern Iroquois, only consisting of four, instead of six tribes. Among them, the peculiar nature of the dignity of chief became more evident than it was among the Mexicans to the Spaniards. But there is no difference between the "Tecuhtli" of Tlaxcallan, and the "Tecuhtli" of Mexico or Tezcuco. That the head-chiefs of Mexico were always "Tecuhtli" themselves, previous to their election, needs hardly any proof. *Domingo Munoz Camargo* ("*Histoire de la République de Tlaxcallan.*" Translation by Mr. Ternaux-Compans, in Vol. 20 and 20 of "*Nouvelles Annales des Voyages*," 1843. See Vol. 20, p. 176, etc.)

[173] About the privileges of the Tecuhtli, compare *Gomara* ("*Conquista*" Vedia I, p. 436), *Mendieta* (Lib. II, cap. XXXIX, p. 161), *Torquemada* (Lib. XI, cap. XXX, p. 366), *Zurita* (p. 48, etc.). It is evident however, that the latter confounds the rank of chief with the particular office which might have been entrusted to him, else the "cultivation of lands" could not be included in the list of advantages derived from the position. Compare "*Tenure of Lands*," *Bustamante* ("*Tezcoco*," etc., p. 235). Sr. Bustamante frequently copies Zurita. *Herrera* (Dec. III, Lib. IV, cap. XV, p. 135). In regard to the non-heredity of the dignity, I refer to the above authorities, and more especially to *A. de Zurita* ("*Rapport*," p. 49: "Lorsqu'un de ces chefs mourait, le prince accordait

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not form as it is often stated, an order of chivalry, is amply proven by the fact that the bond of kinship interposed a barrier between them and such an imaginary association and furthermore, because their number could not be very great. The formalities required were so numerous and dilatory, the material for distribution in the shape of gifts was so large, that a frequent repetition of the occurrence lay beyond the power of the kin.[174] After this necessary digression, we return once more to the Mexican calpulli.

Besides being as already established in "Tenure of Lands," the unit of territorial possession, we found the Mexican kin to be a *self-governing*, therefore *democratic* cluster. Every one of these clusters had, within itself, all the elements required for independent existence as an organized society. Except for assistance and protection against outsiders, it needed no associates. Hence it follows, that since we find twenty Mexican kins aggregated into a tribe, this tribe was a *voluntary* association, formed for mutual protection.

Three attributes of the tribe are next to self-evident:

1. A particular territory;
2. A common dialect;
3. Common tribal worship.[175]

sa charge á celui qui s'en était rendu digne par ses services, car les fils du défunt n'en héritaient pas s'ils n'en étaient investis." The very fact of the election, and the manner in which it was performed is also evidence. See the various documents in *Ternaux-Compans, 2d Recueil.*

[174] That such a festival or ceremony necessitated the accumulation of much provision and many articles for presents and offerings, is proven by numerous authorities. *Gomara* ("*Conquista*" Vedia I, p. 436): "En fin, en semejantes fiestas no habia pariente pobre. Daban á los señores tecutles y principales convidados plumajes, mantas, tocas, zapatos, bezotes, y orejeras de oro ó plata ó piedras de precia. Esto era mas ó menos, segun la riqueza y animo del nuevo tecuhtli, y conforme á las personas que se daba. Tambien hacia grandes ofrendas al templo y á los sacerdotes." *Zurita* ("*Rapport sur les différentes classes de chefs* etc.," p. 38): "Ces solennités occasionnaient de grandes dépenses, car les assistants étaient fort nombreux; c'étaient les parents, les alliés et les domestiques du nouveau dignitaire. L'on faisait aussi des aumones considérables aux pauvres." "*Des Cérémonies observées autrefois par les Indiens lorsqu'ils faisaient un Tecle.*" (1st *Recueil*, p. 233): "Celui que l'on nommait *Tecle*, devait d'abord posséder de grands biens, qu'il put donner aux prêtres et aux autres nobles." (P. 237): "Un grand nombre ne pouvait pas se procurer en si peu de temps la quantité suffisante, etc., etc." *Mendieta* (Lib. II, cap. XXXVIII, p. 136): "Y asi les costaba excesivo trabajo y gasto, como aqui se dirá." (Id., cap. XXXIX, pp. 160 and 161.) *Veytia* ("*Historia Antigua*," Lib. II, cap. IX, pp. 65 and 66): "Y era exhorbitantisimo el gasto, por cuya causa algunos, cuyas facultades y caudal no era suficiente á reportarlos, dejaban de tomar este dictado." *H. H. Bancroft* (Vol. II, p. 199): "As before remarked, the vast expenses entailed upon a Tecuhtli debarred from the honor many who were really worthy of it."

[175] For these three attributes of tribal organization I refer to *Morgan* ("*Ancient Society*," p. 113).

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646 the critical period of Cortés' first stay at Tenuchtitlan, the twenty "speakers" held daily meetings at the official house.[185]

In a society based upon kin we cannot expect a clear division of the powers of government, particularly as there were no written laws,[186] and custom alone ruled. The functions of the ancient Mexican council were not properly legislative, but they were rather *directive* and *judicial* combined. One of its first duties was, however, to maintain harmony among the kins.

The twenty independent social units composing the Mexican tribe, while bound together by the necessity of mutual aid to secure territorial independence, could not be expected always to live in peace with one another. Difficulties would necessarily arise between kin and kin, and to prevent such disputes from leading to actual warfare,[187] the council as a body of *official arbitrators* was needed.

● 618 646 695 According to the rules of kinship, the calpulli was not only bound to avenge any wrongs suffered by one of its members, but it was also responsible for the offences committed by the kinfolk towards any outsider.[188] Hence theft committed outside of the

*Durán* (cap. X, p. 83. XI. pp. 107, 108, 109, XIV, pp. 117, 123, XVI, p. 132, XVIII, p. 156), etc., etc. We forbear further quotations, since they would be too numerous. All go to prove that the council was frequently called together between the times of regular meeting. Quotations from *Tezozomoc* ("*Crónica Mexicana*") are useless, since they are very numerous and agree with those of Durán in the main. The fact of irregular meetings of the council having been called during the conquest, is further proven by *Sahagun* (Lib. XII. cap. III. p. 7). and *Torquemada* (Lib. IV, cap. XIV, p. 385).

[185] *Bernal Diaz de Castillo* ("*Historia verdadera*," Vedia, Vol. II. cap. XCV, p. 95): "y siempre á la cuntina estaban en su compañia veinte grande señores y consejeros y capitanes." (Cap. XCVII, p. 99): "Ya he dicho otra vez en el capitulo que de ello habla, de la manera que entraban á negociar y el acato que el tenian, y como siempre estaban en su compañia en aquel tiempo para despachar negocios veinte hombres ancianos, que eran jueces."

[213 532] [186] A number of paintings are mentioned as representing the customs and manners of the natives. Specimens of these are found in *Codex Mendoza*, Lam., 56 to 72 inclusive. But none of these contained, or could contain or express, anything like a *law*. Compare, on Mexican paintings in general and their value, "*On the Sources for aboriginal history of Spanish America*," in Vol. 27 of "*Proceedings of the American Association for the Advancement of Science*." Señor *Orozco y Berra* ("*Códice Mendozino,– Ensayo de descifracion geroglifico*," beginning in No. 3, of Vol. I, "*Anales del Museo Nacional de México*") has commenced a publication which can be expected to shed much light on such picture-leaves, and the true position which they held among the ancient Mexicans.

[187] Conflicts between the inhabitants of different "barrios" during festive turnouts and religious gatherings could not always be prevented.

[188] *Morgan* ("*Ancient Society*," pp. 76 and 77). *Davila-Padilla* ("*Historia de la Fundacion y Discurso de la Provincia de Santiago de México*," Lib. I, cap. XXVI, p. 83). The custom is general among other tribes and Mr. Morgan has adverted to it among the Maya of Yucatan and the Peruvians. It would be unnecessary display to produce further evidence: the remarkably clear statements of Mr. Morgan fully "cover the case."

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calpulli, and especially the slaying, wilful or accidental, of members of one kin by those of another, became the cause of a claim by the offended calpulli upon that of the offender.[189] This claim was submitted to the tribal council by the "speaker" of the complainant kinship. He produced his evidence, sometimes even in the shape of paintings, not so much to prove the facts as to sustain his claim. From the opposite side, the "speaker" defended the interests of his clan, and he also supported his pleadings with whatever testimony he might command.[190] The remaining "tlatoca" listened attentively to both parties, and when the argument was concluded, they deliberated among

[189] *H. H. Bancroft* ("*Native Races*," Vol. II, pp. 456 and 459) was the first, to my knowledge, to call attention (in note 59) to the difference of opinion among authors, in regard to the punishment of murderers. He refers to the unpublished parts of the work of Fray *Diego Durán*. We find in the *Codice Ramirez* ("*Tratado de los Ritos y Ceremonias y Dioses que en su Gentilidad usaban los Indios desta Nueva España*," Cap. I, p. 101): "El matar uno á otro era muy prohibido, y aunque no se pagaba con muerte, hazian al homicida esclavo perpétuo de la mujer ò parientes del muerto, para que les sirviesse y supliesse la falta del muerto, ganando el sustento de los hijos que dejaba." This is very interesting since it shows the autonomy of the kins. The murderer stood, towards the calpulli of the slain, in the same relation as, among northern Indians, a prisoner of war did towards the hostile tribe. Both could be adopted, and this condoned the deed. The offending kin lost one member; the offended kin obtained one in return for the one that had been killed. However, this was only in exceptional cases: the rule, as established by the majority of authors was that life alone could atone for life. In the same manner, and under the same head, the contradictory reports must be placed, about the punishment of theft, which have already been noticed. There are consequently, for each crime or kind of crime, two classes; one, of such as were committed within the kin, and the other, of such as were committed without.

[190] *Sahagun* (Lib. VIII, cap. XV, p. 304): "Otra sala del palacio se llamaba teccali, ó teccalco. En este lugar residian los senadores y los ancianos para oïr pleitos y peticiones, que les ofrecian la gente popular, y los jueces procuraban de hacer su oficio con mucha prudencia y sagacidad, y pre-to los despachaban; porque primeramente demandaban la pintura en que estaban escritas ó pintadas las causas, como hacienda, casas, ó maizales; y despues cuando ya se queria acabar el pleito, buscaban los senadores los testigos." I quote this passage, although it applies particularly to the judicial functions of the council, because the mode of proceedings is therein illustrated. *Veytia* (Lib. III, cap. VII, p. 207), speaking of Tezcuco, is very positive: "Habia tambien aboga os y procuradores; á los primeros llamaban tepantlatoani, que quiere decir *el que habla por otro*. . . . ." I need not recall here that "tlatoani" (plural "tlatoca") was the title of the members of the council, and that consequently these "attorneys" belonged thereto. The same statement (derived from Veytia also) is found in *Bustamante* ("*Tezcoco*," Parte II, cap. VII, p. 191). These two works contain (in the chapters indicated) the most detailed information as to the proceedings. Still, there is evident confusion in the minds of these authors in general: they fail to discriminate between arbitration and tribal jurisdiction. The bulk of the other authorities commit the same mistake. Compare *Zurita* ("Rapport," pp. 102-103), whom *Mendieta* (Lib. II, cap XXVIII, p. 138) has almost verbally copied. *Torquemada* (Lib, XI, cap. XXVI, pp. 354 and 355).

The absolute lack of division of powers which characterizes so well ancient Mexican society is well established by *Veytia* (III, cap. VII, p. 206), speaking of what he

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618 themselves until they finally agreed upon an award.[191] The 646 same thing occurred when two calpulli claimed possession or 695 enjoyment of the same piece of land.[192] No appeal was possible to any higher authority; but every eighty days an extraordinary gathering took place at the "tecpan," consisting of the council and the executive chieftains, the war-captains of the four great quarters, the "elder brothers" of the kins, and the leading medicine-men, and any cause pending before the "tlatocan" might be deferred until the next of these general meetings; and even in case a decision had been rendered, a reconsideration thereof, on that occasion, was sometimes agreed upon.[193]

calls "supremo consejo:" "Tratábanse en este consejo todo género de negocios de estado, justicia, guerra, hacienda etc., etc."

[191] This picture is mainly based upon *Veytia* ("*Historia antigua*," III. cap. VII), and *Bustamente* ("*Tezcoco*," pp. 191 and 192). The statement in the latter is only worthy of credit because copied from the former.

[192] *Veytia* (Lib. III, cap. VII, p. 207). *Clavigero* (Lib. VII. cap. XVI, v. 483). For a copy of the paintings reproduced, see *A. de Humboldt* ("*Vues des Cordillères*," etc., Vol. I, plate V. Ed. 8vo).

[643 693] [193] I affirm this in the face of all the authorities on the subject, who, without exception, assert that there was an appeal to the "king." The *Codex Mendoza* (plate LXX, "Declaracion de la figurado") is even very positive: "Y si era negocio de calidad del consejo. havia apelacion por via de agravio ante Monteçuma, en donde habia conclusion de la causa." My opinion is based on what precedes about the authority of the council, on what I expect to prove in relation to the true nature of the duties of the head-chiefs and which will hereafter follow, and on the contradictions among the authors themselves. Thus the "*Codice Ramirez*" (p. 58) places the supreme power into the hands of the councils "sin parescer de los quales ninguna cosa se habia de hacer." and (pp. 64 and 65) it does not mention any power of appeal whatever. *Zurita* (pp. 100 and 101): "Les appels étaient portés devant douze autres juges supérieurs qui prononçaient d'apres l'avis du souverain." It is queer to notice, how the writers of the tezcucan school, appear eager to place the power of final decree or the decision of final appeal in a "high tribunal," or rather simply a supreme council of their tribe. *Torquemada* (Lib. II, cap. XXXXI, p. 146) mentions a supreme council, "á los quales avian de venir todas las cosas graves, y criminales, para que ellos, con el Rei, las determinasen." (Lib. XI, cap. XXVI, p. 354): "Para estos dos Jueces Supremos se apelaban las causas graves, los quales las admitian, pero no determinaban, ni sentenciaban, sin parecer, y acuerdo de el Rei." *Veytia* (Lib. III, cap. VII, p. 199) speaks of the establishment of "tribunals" by "Fasting wolf" ("Nezahualcoyotl"—properly "fasting coyote"), and adds: "pero concediendo á las partes el recurso de apelacion para el gran tribunal de justicia que erigió en su corte de Tezcuco." This so-called tribunal was, as we have shown at the close of note 190, the "Council of the tribe." *Mendieta* (Lib. II, cap. XXVIII, p. 135) almost copies Zurita. *Sahagun* ("*Historia general*," etc., Lib. VIII, cap. XXV, p. 314): "y los casos muy dificultuosos y graves, llevábanlos al señor para que los sentenciase, juntamente con trece principales muy calificados, que con el andaban, y residian." "Estos tales eran los mayores jueces, que ellos llamaban tecutlatoque. . . ." In this case the learned father speaks of tribal jurisdiction and not of arbitration. Still it is plain that he admits the *council's decrees as final*. The chief, "señor," appears only as member of this council, a position of which we shall hereafter speak. Without making any further quotations from similar authorities, I beg to revert to those which place, *by the side of the so-called "King,"* an independent "supreme Judge"—the "Cihuacohuatl," whose tribunal

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Aside from these arbitrative functions, other duties occupied the council's time at its full meetings. If any calpulli felt wronged in the distribution of the incoming tribute, it might through its delegate or "speaker,"[194] complain about the tribal officers answerable for it to the "tlatocan." The investiture of chiefs and officers of the kins belonged to the highest authority of the tribe

is positively mentioned as the final court of appeals. That this "Cihuacohuatl" occupied a high position, was already noticed by *Cortés* ("*Carta tercera*," Vedia I, p. 89), and subsequently, when he became still more prominent, by *Tezozomoc*. But *Torquemada* has been to my knowledge, the first one to establish his position as independent supreme Judge. It is not devoid of interest to notice what he writes about this office. ("*Monarchia Indiana*," Lib. XI, cap. XXV, p. 352): "Despues del Rei, havia un Presidente, y Juez maior, cuio nombre, por raçon de el oficio, era Cihuacohuatl . . . . . De este Presidente no se apelaba para el Rei, ni para otro Juez alguno, ni podia tener Teniente, ni substituto, sino que por su misma persona havia de determinar, y decidir todos los negocios de su juzgado, y audiencia." He further adds; "lo qual no corria en este dicho Juez Cihuacohuatl; porque de su ultima determinacion no habia recurso á otro." *Fray Augustin de Vetancurt* ("*Teatro Mexicano*," Vol. I, Parte 2a, Trat. 2°, cap. I, p. 369): "Despues del Rey . . . habia un virey que llamaban Cihuacohuatl, que el rey proveia y era su segunda persona en el gobierno, de cuya sentencia no habia apelacion á otro. Tan absoluta era la autoridad que le daba, que reservando el rey en si la autoridad real, era en la judicatura igual." These statements distinctly hint at the existence of an appellate judicial body, of which this Cihuacohuatl was foreman, and over which the so-called "King" had no control. *Clavigero* (Lib. VII, cap. XVI, p. 481) even states that while there was no appeal from the Cihuacohuatl whatever, there was one of these officers "at the court and the principal cities of the kingdom." These views in regard to the "Cihuacohuatl" have been plainly accepted by *W. H. Prescott* ("*Conquest of Mexico*," Vol. I, p. 29): "There was no appeal from his sentence to any other tribunal, not even to the king," and *H. H. Bancroft* ("*Native Races*," Vol. II, cap. XIV, pp. 434 and 435).

The confusion is apparent, for we have here three different views of the same case. One is that the "head-chief" was the highest appellate authority, the other that the head-chief, *with the council*, formed the court of last resort, and the third that a "supreme Judge" was appointed by the so-called "King" to render final decisions. Now we have already seen that the supreme authority was the council or "tlatocan," consequently what is commonly called the "king" could not be the last resort in judiciary matters, still less could he appoint an officer for that purpose. Our proposition appears, therefore, sustained, that there was no appeal from the decisions of the council to any superior authority whatever.

But, finally, it was possible to reconsider, so to say, the cases decided by the council, and for such the so-called "*Nauhpohualtlatolli*" or "*eighty days-talk*" was instituted. Authorities are almost unanimous on this point, although it is commonly ascribed to Texcuco alone, and I refrain from quoting them in detail, referring but to *Bancroft* ("*Native Races*," Vol. II, p. 439, etc.).

[194] This becomes evident from the relative positions of kin and tribe. As we shall hereafter see, the officers gathering and those receiving the tribute were tribal officers, consequently subject to the council. It was to the council, therefore, that any complaint had to be brought against them, and this could be done only through the "speaker" of a particular kin. That the tribute was distributed partly among the "calpulli" is indicated by *Durán* (Cap. IX, p. 79): "Tambien dieron á sus barrios para el culto de sus dioses, á cada barrio una suerte, etc.," and *Tezozomoc* ("*Crónica Mexicana*," Cap. X, p. 18): "y aunque venian á darlo á Ytzcoatl, era para todos los Mexicanos en comun."

16:Bandelier E-4 (no date) 1880 NU7 Aztec NU7



also.[195] This "right to invest officers and chiefs of the kins" is commonly distorted into a right to appoint or at least to confirm an appointment or election,[196] whereas it was merely an act of courtesy ultimately converted into an established custom. But paramount in importance was the preservation of independence towards the outside world, and hence all relations with other tribes, and all final decisions concerning alliances, declarations of war and treaties of peace were, as we have elsewhere stated, in the hands of the council.[197] No raid or foray could be started unless by its direction; and delegates from foreign or hostile tribes, though not always admitted into the presence of the "tlatocan," always had to wait until that body agreed upon and formulated an answer.[198]

[195] *Torquemada* (Lib. XI, cap. XXIX, p. 381): . . "elegian Dia de buen signo: en el qual llamaban á todos los señores, y principales de la Republica. y á todos los Parientes. y Amigos: los quales acompañaban al mancebo, etc., etc." (Cap. XXX, pp. 384, 385). This author copies from *Mendieta* (Lib. II. cap. XXXVIII and XXXIX, pp. 156 to 161) who partly gathers from *Zurita* ("*Rapport*," pp. 25 to 29). *Gomara* ("*Conquista*," etc., Vedia I. p. 435): "Los señores, los amigos y parientes que convidados estaban, lo subian por las gradas al altar. . . . . El dia que habia de salir venian todos los que primero le honraron, y luego por la mañana le lavaban y limpiaban muy bien, y le tornaban al templo de Camaxtle con mucha música, danzas y regocijo. Subianle á cerca del altar, etc., etc. . . ." Although these quotations apply mostly to Tlaxcala, the dignity of "Tecuhtli" was common among all the sedentary tribes, and the customs of investiture were also about identical. Compare, "*Des Cérémonies observées autrefois par les Indiens lorsqu'ils faisoient un tecle*" ("*Pièces relatives à la conquête du Mexique*," Ternaux-Compans, pp. 233 and 234.

[196] *Zurita* ("*Rapport*," etc., p. 47): "parceque les souverains suprêmes ne les élevaient á ces dignités qu'en récompense des exploits qu'ils avaient faits á la guerre," etc. Besides, thereare numerous evidences that the older authors all believed the officers to be nominated by the highest tribal authority. The distinction was never made as between officers of the kins and officers of the tribe. I have formerly discussed the point.

[197] "*Art of War*" (p. 129). In addition to the authorities there quoted, and those alluded to in note 178 of the present essay, I beg to refer with great pleasure to a paper written by a learned Peruvian, *Sr. José Fernandez Nodal* ("*Législation civile comparée des Mexicains sous les empereurs Astèques et des Péruviens á l'époque des Incas*"). This memoir was presented at the "Congrès international des Américanistes," at Luxembourg in 1877, but only a short summary of it was published in the "*Compte Rendu*" (Vol. I, pp. 235-237). Sr. Nodal states that among the Mexicans' monarchy (?) was elective and controlled by a Council. "Controlé par un conseil suprême." It is to be sincerely regretted that this interesting paper was thus neglected.

[198] Evidences in regard to this latter detail are numerous. Compare *Texcocano* ("*Crónica*" Kingsborough, Vol. IX, cap. XCVII, p. 173). *Durán* (Cap. XV, p. 137): "El rey Montezuma le respondió con rostro muy alegre y amoroso, que se lo agradecia el amor que les tenian y que era muy contento de conservar la paz y de tener con ellos perpetua amistad; pero para questas treguas estuviesen con mas seguridad y vinculo, que le queria communicar con sus grandes señores y principales y que le daria su respuesta. El rey de Tezcuco fué aposentado á descansar en un aposento de la casa real, con mucha onra, y luego el rey mandó venir á todos los de su consejo y á los demas señores y principales, y estando presentes, luego los propuso la plática